

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

RICHARD MARSHALL,)
)
 Plaintiff,)
)
 v.) **CIVIL ACTION NO. 2:06-cv-701-ID-CSC**
)
 CHRIS WEST, in his individual capacity,)
 LASHUN HUTSON, in his individual)
 capacity,)
)
 Defendants.)

**DEFENDANT’S EVIDENTIARY SUBMISSIONS IN SUPPORT
OF HIS MOTION FOR SUMMARY JUDGMENT**

COMES NOW Lowndes County, Alabama, Deputy Sheriff Chris West, a Defendant in the above-styled cause, and submits the following Evidentiary Materials in support of his contemporaneously filed Motion for Summary Judgment:

<u>Exhibit</u>	<u>Description</u>
A	Deposition of Chris West
B	Declaration of Chris West
C	Deposition of Lashun Hutson
D	Plaintiff's Responses to Defendants' Requests for Admission
E	Deposition of Richard Marshall
F	Drug Task Force Case File for Case No: 05-06-011, "Case File", Alabama Uniform Incident/Offense Report
G	Case File, 2nd Judicial Drug Task Force Drug Agent Statement Form of Lt. West
H	Case File, 2nd Judicial Drug Task Force Drug Agent Statement Form of Agent Hutson

<u>Exhibit</u>	<u>Description</u>
I	Case File, Interview Sheet of Kelvin Carmichael
J	Case File, Warrant Deposition
K	Case File, Documents submitted to and received from BATFE
L	The remainder of the case file not identified as a separate exhibit
M	Case File, Courtesy Warning

Respectfully submitted this the 12th day of February, 2008.

s/Gary L. Willford, Jr.

DARYL L. MASTERS Bar No. MAS018

GARY L. WILLFORD, JR. – Bar No. WIL198

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CERTIFICATE OF SERVICE

I hereby certify that on **February 12, 2008**, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **Jay Lewis, Esq., Rick Howard, Esq.**

s/Gary L. Willford, Jr.

OF COUNSEL

EXHIBIT A

Deposition of Chris West

DEPOSITION OF CHRISTOPHER WEST

January 21, 2008

Pages 1 through 64

PREPARED BY:

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FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RICHARD MARSHALL,
Plaintiff,
vs. CIVIL ACTION NO.
2:06-cv-701-ID.CSC

CHRIS WEST, in his individual
capacity, LASHUN HUTSON, in his
individual capacity,

Defendants.

DEPOSITION OF CHRISTOPHER WEST, taken
pursuant to stipulation and agreement before Tracye
Sadler Blackwell, Certified Court Reporter and
Commissioner for the State of Alabama at Large, in
the Law Offices of Webb & Eley, 7475 Halcyon Pointe
Drive, Montgomery, Alabama, on January 21, 2008,
commencing at approximately 9:10 a.m.

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APPEARANCES

ON BEHALF OF THE PLAINTIFF:

Mr. Jay Lewis
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847 South McDonough Street
Montgomery, Alabama

ON BEHALF OF THE DEFENDANTS:

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Mr. Rick A. Howard
NIX, HOLTSFORD, GILLILAND, HIGGINS & HITSON
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Montgomery, AL 36106

ALSO PRESENT:

Mr. Lashun Hutson

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STIPULATIONS

It is hereby stipulated and agreed by and
between counsel representing the parties that the
deposition of CHRISTOPHER WEST is taken pursuant to
the Federal Rules of Civil Procedure and that said
deposition may be taken before Tracye Sadler
Blackwell, Certified Court Reporter and
Commissioner for the State of Alabama at Large,
without the formality of a commission, that

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objections to questions other than objections as to
the form of the question need not be made at this
time but may be reserved for a ruling at such time
as the said deposition may be offered in evidence
or used for any other purpose by either party
provided for by the Statute.

It is further stipulated and agreed by and
between counsel representing the parties in this
case that the filing of said deposition is hereby
waived and may be introduced at the trial of this
case or used in any other manner by either party
hereto provided for by the Statute regardless of
the waiving of the filing of the same.

It is further stipulated and agreed by and
between the parties hereto and the witness that the
signature of the witness to this deposition is
hereby waived.

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THE COURT REPORTER: Usual stipulations?

MR. MASTERS: Yes.

MR. LEWIS: Yes.

CHRISTOPHER WEST

The witness, after having first been duly sworn to speak the truth, the whole truth, and nothing but the truth, testified as follows:

EXAMINATION

BY MR. LEWIS:

Q. Tell us your name, please.

A. Christopher Stewart West.

Q. And how are you employed, Mr. West?

A. By the Lowndes County Sheriff's Department.

Q. And how long have you been employed by the Lowndes County Sheriff's Department?

A. About 11, 12 years, I think.

Q. And what's your position with Lowndes County Sheriff's Department?

A. I'm a deputy sheriff.

Q. Do you hold any particular rank as a deputy sheriff?

1 Community Affairs through a grant. There
2 are several law enforcement agencies,
3 including district attorney's office,
4 within our three-county circuit.

5 Each year an agency -- all the agencies
6 are allowed to place an agent or an officer
7 on the drug task force. Some agencies
8 choose to participate. Most don't because
9 of funding issues. Currently there's the
10 Lowndes County Sheriff's Office, the
11 Hayneville Police Department, and the
12 district attorney's office that are
13 participating on the drug task force as
14 part of the grant.

15 Q. Okay. So those three agencies make up the
16 drug task force?

17 A. Yes, sir.

18 Q. Are there federal agents assigned to that?

19 A. No, sir.

20 Q. But your salary continues to come from the
21 Lowndes County Sheriff's Office?

22 A. That's correct.

23 Q. And the Lowndes County Sheriff's Office in

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1 A. I'm a lieutenant.

2 Q. How many people are employed in the Lowndes
3 County Sheriff's Office? And by that I
4 mean people who are in law enforcement as
5 opposed to jail work.

6 A. Between 10 and 12 deputies, I think.

7 Q. And what is your particular job as
8 lieutenant? Do you have any particular
9 responsibility in that position?

10 A. Yes, sir. I'm drug task force commander.

11 Q. And help me understand the drug task force
12 because there's always some confusion about
13 whether it's a legal entity, whether it has
14 its own personnel practices, whether it has
15 its own policies. Tell me, if you will,
16 what the 2nd Judicial Drug Task Force is.

17 MR. MASTERS: Object to the form.

18 Go ahead and answer as best as
19 you can, Chris.

20 Q. The drug task force is a task force that's
21 made up of several agencies. We're funded
22 by the Department of Justice through the
23 Alabama Department of Economic and

1 turn receives a grant to cover your
2 activity with the drug task force?

3 A. The Lowndes County Commission does, not the
4 sheriff's office.

5 Q. Does the Lowndes County -- does the drug
6 task force have a separate policies and
7 procedures manual for you to follow?

8 A. Yes, sir, we do.

9 Q. And are the policies and procedures in that
10 promulgated by the Department of Justice or
11 by some individual agency or the task force
12 as a group?

13 A. A board of directors that form up the drug
14 task force. We have a board of directors
15 that meet periodically, and if new rules or
16 guidelines need to be established, then the
17 board members will collectively make a
18 decision on how to establish that.

19 Q. Okay. And do those guidelines include
20 tactical operations, the way you perform
21 your duties, the day-to-day activities in
22 which you're involved?

23 A. Yes, sir.

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1 Q. Does the Lowndes County Sheriff's Office
2 have its own set of rules and regulations
3 for you to go by?
4 A. Yes.
5 Q. And who puts those out?
6 A. The sheriff.
7 Q. Have you discovered any conflicts between
8 the sheriff's guidelines and policies and
9 those of the drug task force?
10 A. No, sir.
11 Q. So they're pretty much consistent?
12 A. Yes, sir.
13 Q. Let me get a little personal information on
14 you. What's your address?
15 A. Physical or mailing?
16 Q. Physical.
17 A. 235 -- no. 214 Norman Drive, Fort Deposit.
18 Q. Okay. 214 Norman Drive?
19 A. Yes.
20 Q. And what's your educational background?
21 A. I graduated high school, currently in
22 college.
23 Q. And where are you in college?

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1 A. Herzing in Birmingham.
2 Q. Where?
3 A. Herzing. Herzing College in Birmingham.
4 Q. Herzing?
5 A. Yes, sir.
6 Q. What sort of school is that?
7 A. It's a private school.
8 Q. And you're looking for a four-year degree
9 from there?
10 A. Yes, sir.
11 Q. What year are you at Herzing?
12 A. My final year.
13 Q. And what's your major?
14 A. Homeland security and public safety.
15 Q. When did you graduate from high school?
16 A. In '86.
17 Q. Have you had any additional training since
18 1986 other than what you're getting at
19 Herzing College?
20 A. In regards to ...
21 Q. Your position, your job --
22 A. Yes, sir.
23 Q. -- criminal justice, that sort of thing.

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1 A. Yes, sir.
2 Q. Tell me about those.
3 A. It's just a --
4 Q. And I don't want the two-day seminars and
5 stuff like that.
6 A. Yeah. There's just numerous ...
7 Q. Okay. Have you been to the FBI Academy?
8 A. Yes, sir.
9 Q. How long a course was that?
10 A. Ten weeks.
11 MR. HOWARD: Can we take a second?
12 MR. LEWIS: Sure.
13 (A brief recess was taken.)
14 Q. (Mr. Lewis continuing:) Have you had any
15 other training courses that have been six
16 weeks or longer?
17 A. No, sir, I don't believe so.
18 Q. Have you been to any law enforcement
19 advanced driving academies?
20 A. No, sir.
21 Q. Let me call your attention to June 28th,
22 2005. And I'll represent to you that's the
23 date that everybody agrees that the

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1 incident with Mr. Marshall about which
2 we're here today occurred. What had you
3 been doing that entire day?
4 A. At my office. Got up out of bed that
5 morning and went to work.
6 Q. Okay. What projects were you working on
7 that day?
8 A. I don't remember.
9 Q. Okay. Do you remember when you left your
10 office?
11 A. No, sir, not exactly.
12 Q. Okay. At some point that day did you hook
13 up with Mr. Hutson?
14 A. Yes, sir.
15 Q. At what point did you do that?
16 A. I don't really remember. He may have -- we
17 may have been in the office together that
18 morning and discussed Mr. Marshall, or I
19 may have picked him up at another
20 location. I just don't remember.
21 Q. When you say you might have picked him up,
22 do you recall who was driving?
23 A. I was driving.

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<p>1 Q. Do you recall what you were driving?</p> <p>2 A. Yes, sir.</p> <p>3 Q. What were you driving?</p> <p>4 A. A Lincoln.</p> <p>5 Q. What model?</p> <p>6 A. Town Car.</p> <p>7 Q. What year? Do you remember?</p> <p>8 A. No, sir, I don't remember.</p> <p>9 Q. And why were you driving a Lincoln Town</p> <p>10 Car?</p> <p>11 A. I don't remember exactly why we were</p> <p>12 driving the Lincoln that day.</p> <p>13 Q. Was that Lincoln a vehicle that had been</p> <p>14 confiscated?</p> <p>15 A. Yes, sir.</p> <p>16 Q. And had there been a condemnation</p> <p>17 proceeding as to that Lincoln?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And it had been condemned and your office</p> <p>20 had it?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Why were you discussing Mr. Marshall that</p> <p>23 day?</p>	<p>1 And it wasn't -- I don't know if you really</p> <p>2 could consider it a dirt road. It's more</p> <p>3 like a -- more like a big driveway that</p> <p>4 kind of went up a hill and then it took a</p> <p>5 right right in front of the mobile home</p> <p>6 where he was living at at the time. And as</p> <p>7 it went on past his house, I guess maybe</p> <p>8 less than a hundred yards or so it kind of</p> <p>9 turned into a little more narrow trail so</p> <p>10 to speak. So I don't even know if it's</p> <p>11 considered -- if it has a name. It could</p> <p>12 be a private drive.</p> <p>13 Q. All right. Did you know Mr. Marshall prior</p> <p>14 to this time?</p> <p>15 A. No, sir.</p> <p>16 Q. Had you had any law enforcement contact</p> <p>17 with Mr. Marshall prior to this time?</p> <p>18 A. Never met him. Never seen him before.</p> <p>19 Q. Had you received any prior information</p> <p>20 about Mr. Marshall prior to that time?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And what information had you received?</p> <p>23 A. The same information in reference to drug</p>
Page 14	Page 16
<p>1 A. I had received information that</p> <p>2 Mr. Marshall was selling dope at his</p> <p>3 residence, selling illegal drugs at his</p> <p>4 residence.</p> <p>5 Q. Where did you get that information?</p> <p>6 A. I don't remember.</p> <p>7 Q. Did you make any notes of where you got</p> <p>8 that information from?</p> <p>9 A. I may have.</p> <p>10 Q. Would you have preserved those notes?</p> <p>11 A. No, sir.</p> <p>12 Q. Did your information indicate what sort of</p> <p>13 drugs he was supposed to be selling?</p> <p>14 A. Crack cocaine and marijuana.</p> <p>15 Q. And based on that information what, if</p> <p>16 anything, did you do?</p> <p>17 A. We drove out to Mr. Marshall's residence to</p> <p>18 do a knock-and-talk and to just discuss</p> <p>19 with him the information that we had</p> <p>20 received.</p> <p>21 Q. And where was Mr. Marshall's residence?</p> <p>22 A. Just off Highway 21 on a little dirt road.</p> <p>23 I don't recall the name of the dirt road.</p>	<p>1 activity.</p> <p>2 Q. When you got to his house, what, if</p> <p>3 anything, did you do?</p> <p>4 A. I believe that we knocked on the door and</p> <p>5 no one came to the door. We got back in</p> <p>6 our vehicles and -- or got back in our</p> <p>7 vehicle and left the residence. Agent</p> <p>8 Hutson had some information about another</p> <p>9 place that was, I think -- I think it's</p> <p>10 referred to as the Casey community. It's</p> <p>11 kind of in that area. It's not in the</p> <p>12 exact same area, but it's in that part of</p> <p>13 the county. And when we were leaving</p> <p>14 Mr. Marshall's residence, we were going to</p> <p>15 go to this home down in the Casey</p> <p>16 community.</p> <p>17 Q. And what information did you have about the</p> <p>18 Casey community that led you to go down</p> <p>19 there?</p> <p>20 A. Agent Hutson had that. I'm not exactly --</p> <p>21 I'm not exactly sure.</p> <p>22 Q. So you were looking for Mr. Marshall?</p> <p>23 A. Yes, sir.</p>

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1 Q. Did you know what kind of car Mr. Marshall
2 was likely to be driving?
3 A. Yes, sir.
4 Q. And what were you on the lookout for?
5 A. A blue Chevy Nova, older -- older -- older
6 type vehicle.
7 Q. And just so I'm clear, you did not -- you
8 do not recall today how you received the
9 information about Mr. Marshall allegedly
10 selling drugs?
11 A. No, sir. It could have been someone we
12 interviewed and I just made a note on
13 some -- a small Post-it, or it could have
14 been a phone call. I know we received it
15 on more than one occasion.
16 Q. And when you received that information, do
17 you have a present sense of whether or not
18 you believed that information to be
19 reliable?
20 A. If -- if it was a source that was a
21 reliable source and the time frame allowed,
22 I would have obtained a search warrant for
23 his residence. But we're doing a

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1 knock-and-talk, so maybe -- it could have
2 been a reliable informant that just knew
3 that activity was going on and just
4 referred it to me and we went out to do the
5 knock-and-talk. If it was reliable, we
6 would obtain -- I mean, if it was reliable
7 and within the time frame allowed, we would
8 have gotten a search warrant.
9 Q. Okay. So the fact that you didn't get a
10 search warrant would seem to indicate that
11 it was not the sort of information that you
12 would have taken to a judge at that time;
13 correct?
14 A. That's correct. Not at that time.
15 Q. All right. So you're on your way to the
16 Casey community. How do you get to the
17 Casey community from where Mr. Marshall's
18 residence is?
19 A. You know, I'm not exactly sure because I
20 don't think I've ever been there before.
21 But, now, Agent Hutson is familiar with it.
22 Q. Okay.
23 A. But I know it's -- you got to -- in the

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1 direction we were coming from, you have to
2 go down County Road 7. Because we were on
3 21. I mean, he -- where he lives is just
4 off 21.
5 Q. Right.
6 A. So if you're coming back toward Hayneville
7 from Mr. Marshall's residence, you take a
8 left on County Road 7.
9 Q. And prior to your encountering Mr. Marshall
10 had you taken that left?
11 A. Yes, sir.
12 Q. So you were on County Road 7 at that time?
13 A. That's right.
14 Q. What, if anything, happened then?
15 A. We met Mr. Marshall's vehicle, and I -- I
16 said, well, that's his vehicle right
17 there. We turned around and got behind his
18 vehicle.
19 Q. Okay. And what then?
20 A. Mr. Marshall didn't have on a seatbelt. I
21 observed that he didn't have on a
22 seatbelt. And we've got a blue-and-white
23 warning light that is powered -- it's a

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1 12-volt power that you plug into the
2 cigarette lighter. And I placed it on the
3 dash of the vehicle and activated that
4 light behind his vehicle.
5 Q. What did Mr. Marshall do in response to
6 that?
7 A. Kept driving.
8 Q. How fast were you going at the time you
9 first activated this light?
10 A. I don't -- I don't recall.
11 Q. Well, would you consider it an excessive
12 rate of -- without regard to miles per
13 hour, an excessive rate of speed, an
14 ordinary rate of speed, a slow rate of
15 speed?
16 A. An ordinary rate. It wasn't exceeding the
17 speed limit.
18 Q. And your position is that Mr. Marshall --
19 that you activated this light?
20 A. That's correct.
21 Q. And the light was working at the time?
22 A. Yes, sir.
23 Q. And there were blue-and-white strobes or

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flashes coming off the light?

A. That's correct.

Q. All right. So Mr. Marshall kept on driving?

A. That's right.

Q. What did you do then?

A. Blew the horn, flashed the headlights, and even at one point pulled alongside his vehicle.

Q. What color was this Lincoln Town Car you were in?

A. It's kind of a bluish/aquamarine type color.

Q. Doesn't look much like a police car though?

A. No.

Q. So you blew the horn, and Mr. Marshall just continued to keep driving; right?

A. Yes, sir.

Q. You say you pulled up alongside him. Tell me about that.

A. We pulled alongside the vehicle. And, like I said, it -- he's got an older car. It doesn't run that fast. Pulled alongside

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1 Q. At some point you're -- setting the scene
2 here, you have turned onto Highway 7. You
3 meet him. He's coming toward you?

4 A. That's correct.

5 Q. You turn around and you're going back,
6 what, south on Highway 7 approximately?

7 A. Yeah.

8 Q. Back toward Highway 21?

9 A. That's correct.

10 Q. And when I say Highway 7, I mean County
11 Road 7.

12 A. That's right.

13 Q. Heading back toward Highway 21?

14 A. Uh-huh (positive response).

15 Q. What, if anything, happened when you hit
16 Highway 21?

17 A. He speeds up a little bit. It's a little
18 wider highway than the county road.

19 Q. Did he turn onto Highway 21?

20 A. Yes, he did.

21 Q. Which direction did he turn?

22 A. Going toward his residence, away from
23 Hayneville toward Wilcox County.

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the vehicle. Our windows are down. I think Agent Hutson holds up his badge. And it's a pretty good -- it's a pretty good size badge. It's round and it has a leather cover around it. It's a gold badge with a black background. And he holds it up. I mean, we're probably as close from me to you. And he holds up the badge and says pull over. And Mr. Marshall is yelling and cussing, and he's very -- has a very defensive appearance about himself.

And so Agent Hutson is holding up the badge. And then at one point we even removed the light from the dash and we've got the badge in one hand and the light in the other saying pull over. And he's looking, I mean, directly at us. And he says, you know, fuck y'all or something to that nature, you know, I'm not pulling over, you know. And so he keeps on going. And so we pull -- you know, we back off and pull back in behind the vehicle just following behind him.

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1 And less than maybe 50 to 75 yards he
2 throws something out the window that
3 actually hits us in the windshield, a
4 plastic baggy. I seen enough of those in
5 my years. I know what a plastic baggy
6 looks like. It hits us and just kind of
7 flies off to the side. So I'm making
8 mental notes to try to remember where this
9 evidence or whatever came out of the
10 window.

11 And he continues to go in the direction
12 of Wilcox County. So we pull up beside him
13 again, you know, hey, pull over. We got
14 the badge just like this right here and the
15 light, you know, pull over. And he's just
16 yelling and cussing, you know, fuck you
17 all, I'm not doing it, I'm not pulling
18 over, you know.

19 And so we back off. And I tell Shun, I
20 says, hold on. Because he's moving around
21 in his seat. There's -- you know, he's
22 like looking down. He's -- there's a lot
23 of movement going on in the seat with him.

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1 And I tell Shun, I says, you know, you hold
2 on because something is going on here.

3 And so I bump his vehicle a couple of
4 times thinking that that will, you know,
5 make him pull over, but he still -- you
6 know, he's yelling and he's -- and he sees
7 us. I mean, he's looking in the mirror.
8 He sees us back -- he sees the blue light.

9 And so he ducked, and then I just kind
10 of, you know, pushed his bumper a little
11 bit. And his vehicle swerves and comes up
12 on this side of the road. Never harm
13 anything. I don't even think it hurt the
14 grass. And he came to rest in the
15 vehicle. The vehicle came to rest up on
16 the embankment. And I believe I backed up
17 because I took a position -- a defensive
18 position -- his vehicle -- if my wrist is
19 the front of his vehicle, then the nose of
20 my vehicle took a position like -- at an
21 angle like this.

22 And we opened our doors with our
23 weapons drawn behind our -- behind the

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1 doors. And I said to him -- I said, get
2 out of your vehicle and get on the ground.
3 And he just sat there cussing and just
4 sweating, and his eyes were red. It was a
5 bad situation.

6 Q. Let's go back just a little bit. Earlier
7 you had said that when you pulled up next
8 to him you were as close as you were to
9 me --

10 A. Yeah.

11 Q. -- right now. And I estimate that distance
12 to be about four to five feet. Would that
13 be accurate?

14 A. Or maybe further. Something like that. I
15 mean, I could see his face and I'm
16 driving. And Shun is even closer than I
17 am. But I'm driving. There's nothing else
18 on the road. And I'm looking him in his
19 face and he's looking at us. And he sees
20 the light and the badge is just like this.
21 And, like I say, it's a gold badge with a
22 black background and a blue-and-white
23 strobe just flashing.

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1 Q. I understand --

2 MR. MASTERS: Object to the form
3 of the previous question.

4 Just listen to his questions
5 and answer his questions.

6 THE WITNESS: Okay. I'm sorry.

7 Q. The question -- the cars would have been
8 approximately four to five feet apart?

9 A. Yes, sir.

10 Q. And when you say you pulled alongside him,
11 I'm assuming that you mean that your car's
12 passenger's side was next to his car's
13 driver's side?

14 A. Yes, sir.

15 Q. And to clarify what you said about how you
16 stopped --

17 MR. MASTERS: Excuse me. Object
18 to the form of the previous
19 question.

20 Did you hear the
21 question, Chris? Which side
22 was closest to which?

23 THE WITNESS: Shun's side was

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1 closest to his driver's side.

2 MR. MASTERS: So your car's
3 passenger's side was close to
4 his car's driver's side?

5 THE WITNESS: That's right.

6 MR. MASTERS: I think you said the
7 opposite, Jay. I may be
8 mistaken.

9 MR. LEWIS: Well, I'll -- we'll go
10 with the fact that his car --
11 that Mr. West's car's
12 passenger's side was next to
13 Mr. Marshall's driver's side.

14 MR. MASTERS: I may be mistaken,
15 but I thought you said the
16 opposite.

17 MR. LEWIS: That's fine.

18 Q. But to clarify, you didn't pull over to the
19 right to get up next to his car. You
20 pulled to the left?

21 A. Yeah. I pulled as if I was passing his
22 car.

23 Q. Right. Okay. And this is a two-lane

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highway?

- A. Yes, sir.
- Q. Are you familiar with what a PIT is?
- A. Yes, sir.
- Q. What is a PIT?
- A. It's a -- what's referred to as PIT maneuver.
- Q. And that's a precision intervention technique or precision interdiction technique?
- A. Yes, sir.
- Q. And is that what you performed on Mr. Marshall's car?
- A. Yes, sir.
- Q. And to clarify -- correct me if I'm wrong -- that's a procedure by which you pull up next to the car with your front fender next to his rear fender and then slow down and simultaneously turn into his car bumping it into a turn; correct?
- A. Something of that nature.
- Q. And that's pretty much what you did on that occasion?

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- A. Yes, sir.
- Q. And his car came to rest off the road; correct?
- A. Yes, sir.
- Q. Based on what you said.
And did it come to rest facing back in the direction from what you had come?
- A. Yes, sir.
- Q. So instead of going toward Wilcox County, it is now headed away from Wilcox County in the grass?
- A. That's correct.
- Q. On the opposite side of the road?
- A. Yes, sir.
- Q. You then backed up and angled your car toward his car just off the road?
- A. That's correct.
- Q. Okay. I think we've got the scene set.
And you indicated that you jumped out of the car and Mr. Hutson jumped out of the car, weapons drawn, and yelled at Mr. Marshall to get out of the car?
- A. That's correct.

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- 1 Q. And what, if anything, was Mr. Marshall
2 saying to you at the time?
- 3 A. Cursing.
- 4 Q. Okay. Have any recollection of the
5 specific language he was using?
- 6 A. Fuck y'all, why y'all fucking with me,
7 things of that nature.
- 8 Q. Going back to when you say he threw a baggy
9 out of the car and hit your car. In what
10 way did he -- I mean, tell me what you saw
11 as that baggy came out of the car.
- 12 A. I saw his arm go up and the bag come out.
13 Like I said, we could see him moving around
14 in the car.
- 15 Q. And you made note of where that baggy had
16 gone off the road?
- 17 A. Yes, sir.
- 18 Q. You've got him in the car. Did he have a
19 passenger with him?
- 20 A. Yes, sir.
- 21 Q. And what did the passenger do, if
22 anything?
- 23 A. Nothing really.

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- 1 Q. Just sat there?
- 2 A. Yes, sir.
- 3 Q. Did you hear the passenger cursing?
- 4 A. No, sir.
- 5 Q. And Mr. Marshall's window, was it up or
6 down?
- 7 A. Down.
- 8 Q. What's the next thing that happened?
9 I know I sound like a prosecutor, but
10 what happened then?
- 11 A. Mr. Marshall -- he got out of his car. He
12 was standing -- he had the door open and
13 was standing between the car and the door.
14 And he's yelling and cussing. And I tell
15 him several times to get on the ground. He
16 will not comply. And several more times I
17 say get on the ground, get on the ground
18 now. He won't comply. And I fired my
19 weapon in the ground, I guess, some
20 seven -- six to eight feet out from him
21 into the ground.
- 22 At that point he was shocked that that
23 even happened. I could see the appearance

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1 on his face. That's when I left from
2 behind my door, my weapon still pointed at
3 him -- or my weapon pointed at him, and as
4 I approached him, I grabbed him. I don't
5 remember where I grabbed him, but I know I
6 grabbed him and I put him on the ground.
7 And he -- he was very resistant.

8 But he was cussing and just combative.
9 Not very combative, but just not wanting to
10 comply at all. But I was able to get my
11 handcuffs out and put the handcuffs on
12 him. And I think Agent Hutson got the
13 passenger out and placed the handcuffs on
14 him.

15 I left him there on the ground after I
16 got him handcuffed and looked into the
17 vehicle. On the driver's seat right there
18 in the middle was a .357 Magnum. And in
19 the ashtray was .357 rounds. There was
20 some rounds in the floorboard and might
21 have been some loose rounds in the seat.
22 But I know the gun was loaded. And there
23 was a -- like a liquor flask there in the

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1 seat and, I think, a pack of Swisher Sweet
2 cigars, a partial pack or something.

3 I get him -- after I see this stuff
4 right here, I'm -- I pat him down. And I
5 think -- when I -- when I'm trying to get
6 him -- when I get him to the ground, he's
7 got these big -- real big shorts on that
8 are the bagging shorts. So they basically
9 come off of him. He doesn't have on a belt
10 or anything. And so cars are coming by and
11 he's there in his underwear. So I'm trying
12 to get him to get into the back seat of the
13 car, basically trying to save him from some
14 humiliation because he's standing there in
15 his boxers, so -- but he won't comply. He
16 just won't do nothing I'm asking him. So
17 eventually I get him pushed into the back
18 seat because, like I say, traffic is coming
19 by.

20 And the other guy, I think Agent Hutson
21 sits him over on the embankment. He's
22 cool. He's not saying anything. He's not
23 resisting in any manner. I call a marked

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1 unit. The marked unit comes out and
2 transports them. I take some photos. And
3 that's pretty much the gist of it.

4 Q. Going back to when you had him on the
5 ground and were doing the search of the
6 vehicle. Did you also do a search of him,
7 did you say?

8 A. I patted him, patted his pockets to see if
9 he had any weapons or anything in his
10 pockets.

11 Q. Did you remove a wallet?

12 A. I may have. I don't remember.

13 Q. Did you remove any money from him?

14 A. I may have.

15 Q. If you removed any money from him, did you
16 turn in all of the money you removed from
17 him?

18 A. Yes, sir.

19 Q. Turned it in to whom?

20 A. The jail.

21 Q. Okay. Anything else you turned in to the
22 jail other than possibly money?

23 A. No, sir.

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1 Q. Okay.

2 A. If he didn't have any weapons --

3 MR. MASTERS: Chris, just answer
4 his question.

5 THE WITNESS: Okay.

6 Q. Well, what would have been your normal
7 procedure for dealing with confiscated
8 property?

9 A. If he didn't have any weapons, normally I
10 would leave it in his pockets because the
11 jail is going to pick that stuff up when he
12 gets there anyway.

13 Q. Do you recall whether you did that in this
14 case or not?

15 A. No, sir.

16 Q. What did you do then after he was trans --
17 let me go back.

18 You said that you called for a marked
19 unit?

20 A. Yes, sir.

21 Q. And did a marked unit arrive?

22 A. Yes, sir.

23 Q. From what jurisdiction was that marked

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1 unit?
2 A. Lowndes County.
3 Q. And do you recall who was in that marked
4 unit?
5 A. Yes, sir.
6 Q. Who was that?
7 A. Deputy Phil Harding.
8 Q. And what did Deputy Phil Harding do when he
9 got on the scene?
10 A. Took Mr. Marshall and put him in the back
11 seat of his vehicle.
12 Q. By that time had Mr. Marshall calmed down?
13 A. No, sir.
14 Q. Still combative?
15 A. No, sir, not combative. Just still ...
16 Q. Hostile?
17 A. Yes, sir.
18 Q. But you didn't have to -- nobody had to
19 fight him to get him in the patrol car?
20 A. I don't recall, no, sir.
21 Q. And did the patrol car then leave with
22 Mr. Marshall?
23 A. Yes, sir.

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1 Q. What happened to the passenger?
2 A. He rode with me.
3 Q. And did you have any trouble out of him at
4 all?
5 A. No, sir.
6 Q. Do you recall who he was?
7 A. What's that boy's last name?
8 I know, but I can't remember right now.
9 Q. Had you had any contact with him before?
10 A. No, sir.
11 Q. Didn't know him?
12 A. No, sir.
13 Q. When's the next time you saw Mr. Marshall?
14 A. I went to interview him a few days later.
15 Q. At that time had he been charged with
16 anything?
17 A. Yes, sir.
18 Q. And do you recall how long he was held
19 before he was charged?
20 A. He was charged the day that I arrested him.
21 Q. And you signed a warrant on him?
22 A. Yes, sir.
23 Q. Do you recall whether it was you or

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1 Mr. Hutson who did the paperwork and the
2 deposition and got the charge --
3 A. I think it was me. I think.
4 Q. And the only reason I ask that is I
5 couldn't read the signatures.
6 A. Okay.
7 Q. And tell me about the interview you had
8 with Mr. Marshall.
9 A. He was calm. We talked just like you and I
10 are talking now. And I asked him for a
11 statement, and he says, I -- he didn't want
12 to give me a statement. And so I told him
13 I understood, and that was the end of it.
14 Q. Any sense of how long that interview took?
15 A. 20, 30 minutes, something like that.
16 Q. Going back to the time that Mr. Marshall
17 was transported in the deputy's patrol
18 car. What did you do after that, after
19 Mr. Marshall had been taken away?
20 A. We -- we actually all left together. I
21 think Agent Hutson drove Mr. Marshall's car
22 because it was still fine. And I drove the
23 Lincoln. Phil Harding came on the marked

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1 unit. He had Mr. Marshall. His --
2 Mr. Marshall's cousin was with me. And
3 Shun drove the Nova.
4 I think we may have stopped alongside
5 the road looking for the evidence or the
6 bag that was thrown out. And I think Phil
7 pulled over too. And I think when he
8 pulled over he caught a nail in his tire,
9 and so he had -- he sprung a leak in his
10 tire. So we were maybe a mile -- less than
11 a mile from Howard Hooks' store. So Phil
12 drove his car up to Howard Hooks' store. I
13 went up with him while he changed the tire,
14 and Shun took the Nova on back to the jail.
15 Q. When you pulled over to the side of the
16 road, did you retrieve anything?
17 A. I don't remember whether we did at that
18 time or not. I think we went back and
19 later retrieved it. I don't remember.
20 Maybe we did. I don't remember exactly.
21 Q. What did you retrieve?
22 A. A baggy containing residue.
23 Q. And what did you do with that baggy?

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1 A. I sent it to forensics.
 2 Q. Tell me about how you, quote, sent it to
 3 forensics.
 4 A. I bagged it up in a brown paper bag because
 5 we were seeking a fingerprint analysis. I
 6 labeled it to get -- for fingerprint
 7 analysis. The fingerprint analysts weren't
 8 able to recover any fingerprints off of
 9 it. Once I received it from fingerprint
 10 analysis, I sent it to forensics, to drug
 11 analysis, and they weren't able to
 12 determine because there was just not enough
 13 residue in the bag.
 14 So I got both of those back, and they
 15 were just both -- both of the results. And
 16 there was --
 17 Q. There was sufficient residue for you to see
 18 that there was residue?
 19 A. Yes, sir.
 20 Q. And yet it was not sufficient for forensics
 21 to make a determination?
 22 A. That's correct.
 23 Q. And you received a report back from

Page 42

1 forensics?
 2 A. Yes, sir.
 3 Q. Let me show you what we will mark as
 4 Plaintiff's Exhibit Number 1.
 5 (Plaintiff's Exhibit 1 was marked
 6 for identification.)
 7 Q. I'm showing you what we've marked as
 8 Plaintiff's Exhibit Number 1 and ask you if
 9 you recognize that.
 10 A. Yes, sir.
 11 Q. And what is that, please?
 12 A. It's an evidence submission form.
 13 Q. And that's page 1?
 14 A. That's the submission form.
 15 Q. Okay. Let's go to page 2. What is that?
 16 A. That's the receipt of submission from
 17 forensic sciences.
 18 Q. And that's done in order to preserve what
 19 we call the chain of custody?
 20 A. Yes, sir.
 21 Q. What is the next page?
 22 A. This is the certificate of analysis from
 23 forensic sciences.

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1 Q. And the following page?
 2 A. It's the evidence submission form for
 3 latent prints.
 4 Q. And the following page?
 5 A. It's the -- it's just a copy of the same
 6 form.
 7 Q. And down at the bottom it would indicate --
 8 it would seem to indicate that the chain of
 9 custody as to the page we're on was not as
 10 complete as the previous page?
 11 A. Say what, now?
 12 Q. The previous page of the fingerprint
 13 examination request seems to show a full
 14 chain of custody down at the bottom. In
 15 other words, it shows it was received by,
 16 returned to, and then returned by.
 17 A. Oh, okay.
 18 Q. And there's three signatures. And the next
 19 page seems to just be the original
 20 submission.
 21 A. You mean the final page?
 22 Q. No, no.
 23 A. Oh, okay.

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1 Q. Okay.
 2 A. So are you saying that this guy, Shannon
 3 Fitzgerald, received it from me and then on
 4 this page right here is the one where the
 5 actual examination took place?
 6 Q. Right.
 7 A. Okay.
 8 Q. Is that pretty much the way it looks to
 9 you?
 10 A. That's the way it appears.
 11 Q. Okay. And then let's go to the last page.
 12 What is that?
 13 A. This is the -- I guess the findings from
 14 the examination.
 15 Q. All right. Let's go back to this third,
 16 fourth -- yeah, the third page, the
 17 certificate of analysis.
 18 A. Yeah.
 19 Q. What was the result of that analysis as far
 20 as you can tell?
 21 A. That the analysis of the residue failed to
 22 reveal the presence of any controlled
 23 substances.

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1 Q. So they were able to perform an analysis?
 2 A. Yes, sir.
 3 Q. But simply couldn't find any controlled
 4 substance?
 5 A. Couldn't find any controlled substance.
 6 Q. And the last page, which is the report of
 7 the fingerprint analysis, what was the
 8 finding there?
 9 A. No latent prints of value were found on the
 10 evidence.
 11 Q. Okay. But Mr. Marshall was in fact charged
 12 with possession of controlled substance?
 13 A. That's correct.
 14 Q. Was he charged with anything else?
 15 A. I don't remember. Pistol without a permit,
 16 I think.
 17 Q. Had you seen that pistol in Mr. Marshall's
 18 possession prior to the time you executed
 19 the PIT maneuver?
 20 A. No, sir.
 21 (Plaintiff's Exhibit 2 was marked
 22 for identification.)
 23 Q. Let me show you what's marked as

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1 Plaintiff's Exhibit Number 2 and see if you
 2 recognize that. What is that, please?
 3 A. It's a warning citation.
 4 Q. And it was for attempting to elude and no
 5 seatbelt; correct?
 6 A. That's correct.
 7 Q. With regard to that seatbelt violation, do
 8 you have any idea whether 1971 Chevrolets
 9 were even equipped with shoulder harnesses?
 10 A. No, sir.
 11 Q. Okay. So it may well be that shoulder
 12 harnesses were not even available as far as
 13 you know in 1971?
 14 A. As far as I know.
 15 MR. MASTERS: Object to the form.
 16 A. That's correct.
 17 Q. And if he had had a seatbelt and not a
 18 shoulder harness, would you have been able
 19 to see that from your perspective while
 20 following him?
 21 A. No, sir.
 22 (Plaintiff's Exhibit 3 was marked
 23 for identification.)

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1 Q. Let me show you what I've marked as
 2 Plaintiff's Exhibit Number 3 and see if you
 3 recognize that.
 4 A. Yes, sir.
 5 Q. What is that?
 6 A. It's a deposition.
 7 Q. And what is a deposition used for in this
 8 context?
 9 A. Probable cause for the clerk to issue a
 10 warrant.
 11 Q. And this is the deposition relating to
 12 possession of controlled substance and
 13 pistol without a permit; correct?
 14 A. Yes, sir.
 15 Q. Who filled out this form?
 16 A. I did.
 17 Q. Okay. Looking on the second page up at the
 18 top where it says complainant, whose
 19 signature is that?
 20 A. That's my signature.
 21 Q. And it says offender attempted to elude DTF
 22 agents at the same time throwing drug
 23 evidence out the window.

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1 Going back to what you had said a
 2 little earlier. You had said when
 3 Mr. Marshall turned onto Highway 21 toward
 4 Wilcox County --
 5 A. Yes, sir.
 6 Q. -- he sped up a little --
 7 A. Yes, sir.
 8 Q. -- but that his car really was not capable
 9 of going very fast?
 10 A. No, sir.
 11 Q. How fast, if you have a judgment, was
 12 Mr. Marshall going at the time that you
 13 executed the PIT maneuver?
 14 A. I'm not sure.
 15 Q. But you weren't exceeding the speed limit?
 16 A. I don't remember.
 17 Q. But you don't have a sense that you were --
 18 as of today -- and since you don't
 19 remember, I'm just trying to clarify this.
 20 Do you have a sense today that you were in
 21 a high speed chase?
 22 A. I would say so, yes, sir.
 23 Q. Okay. So how high do you think the speed

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1 was?
 2 A. I just -- I don't remember.
 3 Q. So it said attempted to elude DTF agents at
 4 the same time. Isn't it true what you
 5 meant by that was he simply failed to stop?
 6 MR. MASTERS: Object to the form.
 7 A. I don't know. I mean, I guess that depends
 8 on how you look at it.
 9 Q. I guess it does. But he didn't attempt to
 10 turn on to any other roads and lead you on
 11 this path through the woods or anything
 12 like that?
 13 A. No, sir.
 14 Q. Okay. He simply turned back toward what
 15 you knew to be his residence?
 16 A. Yes, sir.
 17 MR. MASTERS: Object to the form.
 18 Q. And it says throwing drug evidence out of
 19 the window. But at this point you don't
 20 have any evidence whatsoever that he
 21 actually threw drug evidence out?
 22 A. No, sir.
 23 Q. Offender was forced from the roadway onto

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1 the opposite side of the roadway where his
 2 vehicle came to rest. Offender was not
 3 wearing seatbelt and was highly
 4 belligerent, cursing, very combative, and
 5 obviously highly agitated. Have you told
 6 me everything about that that you can
 7 recall when you described it earlier?
 8 A. His demeanor?
 9 Q. Yeah.
 10 A. Yeah, I guess. I mean, if I could think of
 11 a few more words to use, I'd use them.
 12 Q. Okay. There also was a passenger in the
 13 vehicle. Both individuals were detained
 14 and transported to the Lowndes County
 15 Detention Facility. And have you told me
 16 everything you can recall about their
 17 arrest and transportation?
 18 A. Yes, sir.
 19 (Plaintiff's Exhibit 4 was marked
 20 for identification.)
 21 Q. Okay. Let me show you what's marked as
 22 Plaintiff's Exhibit Number 4. And this is
 23 simply a two-page document. Tell me what

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1 this is, please.
 2 A. It's the complaint and the warrant.
 3 Q. Okay. And this also bears your signature?
 4 A. Yes, sir.
 5 Q. On the first page?
 6 A. Yes, sir.
 7 Q. And on the second page down at the bottom
 8 where it says sheriff, by, is that also
 9 your signature?
 10 A. Yes, sir.
 11 Q. And that's simply the document that makes
 12 the charge against Mr. Marshall --
 13 A. That's right.
 14 Q. -- on the first page, and on the second
 15 page it's a warrant to arrest him?
 16 A. That's correct.
 17 (Plaintiff's Exhibit 5 was marked
 18 for identification.)
 19 Q. Okay. And I think the last thing is
 20 Plaintiff's Exhibit Number 5. Tell me what
 21 that is, please.
 22 A. It's an incident/offense report.
 23 Q. Okay. We've gone through several pieces of

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1 paper that you have either authored or had
 2 something to do with. Tell me all of the
 3 paperwork that you have to fill out in
 4 making an arrest such as you made on
 5 Mr. Marshall.
 6 A. You mean for a case file or --
 7 Q. Yeah. Yeah. Have we in front of us all of
 8 the paperwork that you have executed on
 9 Mr. Marshall?
 10 A. You don't -- my statement form is not here.
 11 Q. Right. But other than that.
 12 A. There's an arrest report that's not here.
 13 Q. Okay. Look on the third page of the
 14 exhibit I've just handed you.
 15 A. Okay.
 16 Q. Is that the arrest report?
 17 A. This is the arrest report right here.
 18 Q. Is what you have in these exhibits that
 19 I've given you all of the paperwork you
 20 would have completed on Mr. Marshall?
 21 A. Yes, sir, I believe so.
 22 Q. All right. Let's go to Plaintiff's Exhibit
 23 Number 5. That's a uniform

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incident/offense report?

A. That's right.

Q. And tell me what that's for. What's the purpose of that?

A. It just lists myself as whoever is making out the report, the agency, the charges or the incident, the place of occurrence, the date and time. And there's an area in here where you will list items that will be recovered or whatever. And then down at the bottom -- underneath that it will list the dollar amount for the items recovered, vehicle information.

On the back page is the information for the offender or whoever, suspect, and then an area for the witnesses, a narrative, and then an area for the signature of the officer or whoever the complainant is and case disposition area.

Q. And did you fill out these first two pages?

A. Yes, sir.

Q. And that's your signature at the bottom of

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the second page?

A. Yes, sir.

Q. And then tell me about this third page, which is the Alabama Uniform Arrest Report.

A. Basically the jail does this. They do this in booking. And it has the -- you see the defendant's name up at the top, his height, weight, color, all of his information, the place -- the occurrence of the arrest and the charges and then the officer that did the booking.

Q. And that would be Marilyn Mealing?

A. That's correct.

Q. Do you know her?

A. Yes, sir.

Q. And is that her signature?

A. I guess it is.

Q. Have you seen her signature before?

A. No.

Q. Okay. Did you retain a copy of this Alabama Uniform Arrest Report?

A. Yes.

Q. And is this a true and correct copy of that

Page 55

1 arrest report?

2 A. Yes.

3 Q. And you normally maintain those in your
4 case file --

5 A. That's correct.

6 Q. -- in the normal course of business?

7 A. That's correct.

8 Q. All right. Now, you had mentioned that you
9 had a statement also that you wrote out.
10 I'm going to show you Plaintiff's Exhibit
11 Number 6 and ask you if that's a copy of
12 your statement.

13 (Plaintiff's Exhibit 6 was marked
14 for identification.)

15 A. Yes, sir.

16 Q. Okay. Let's go through this for just a
17 second if we could.

18 A. Okay.

19 Q. And I think this will be close to the last
20 thing that we're going to do today.

21 This was June 28th, 2005. Is that the
22 date that all this happened?

23 A. Yes, sir.

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1 Q. And the time, 7:32 p.m., is that the time
2 that you wrote the statement?

3 A. Yes, sir.

4 Q. This indicates that the incident happened
5 sometime at about one o'clock this
6 afternoon --

7 A. That's right.

8 Q. -- that afternoon.

9 A. Uh-huh (positive response).

10 Q. And you say that you were traveling with
11 Mr. Hutson north on Lowndes County Road 7
12 and met Mr. Marshall's blue Chevrolet Nova.

13 A. Yes, sir.

14 Q. You turned around in an attempt to catch up
15 with the vehicle.

16 A. That's correct.

17 Q. As we caught up with the vehicle, I
18 observed that neither the driver nor the
19 passenger were wearing seat belts. Why was
20 that important to you? Why did you put
21 that in there?

22 A. Probable cause for the stop.

23 Q. But what you really wanted to talk to him

Page 57

1 about was drugs?
 2 A. That's correct.
 3 Q. And you placed your blue light on the dash
 4 to gain the attention of the driver. And
 5 you pulled beside his vehicle, showed
 6 badges. It says here we showed the driver
 7 our badges. Earlier you mentioned that
 8 Mr. Hutson showed the driver his badge.
 9 Did you show the driver your badge as well?
 10 A. If that's what the state -- but it also
 11 says that the driver looked out the window
 12 and screamed that he wasn't going to pull
 13 the vehicle over.
 14 Q. No. The question was, did you show him
 15 your badge as well?
 16 A. If that's what the statement says, then I
 17 did it.
 18 Q. Do you have any independent recollection of
 19 showing him your badge?
 20 A. It's been two years, almost three years. I
 21 don't -- I can't remember whether I did or
 22 not.
 23 Q. Fair enough. And it says that he threw

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1 drug evidence out the window at about the
 2 102 mile marker. And if I'm correct, based
 3 on the analysis and your recollection of
 4 that analysis, there was nothing to
 5 indicate it was drug evidence, correct, in
 6 the final analysis?
 7 A. That's correct.
 8 Q. But at that time you thought it was drug
 9 residue?
 10 A. I still believe that.
 11 Q. Okay. Did you do any field tests on that
 12 residue?
 13 A. No, sir.
 14 Q. Have you got the equipment to do field
 15 tests?
 16 A. Yes, sir.
 17 Q. You don't have gas chromatography?
 18 A. No, sir.
 19 Q. Pursued Mr. Marshall for 2.4 miles.
 20 Marshall was still responding violently.
 21 Did he ever make a violent move toward you?
 22 A. Where are you at?
 23 Q. I'm down here at the -- close to the bottom

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1 of the page. I instructed Mr. Marshall to
 2 exit his vehicle and get on the ground.
 3 A. Okay.
 4 Q. You see that?
 5 A. Yes.
 6 Q. Did he ever make a violent move toward you?
 7 A. No. We had weapons drawn.
 8 Q. Okay. Never attempted to hit you or
 9 anything else?
 10 A. No. He's at his vehicle. We're at ours.
 11 Q. Never attempted to run away?
 12 A. No, sir.
 13 Q. Fired my service weapon into the ground. I
 14 meant to ask you about that. Does the
 15 Lowndes County Sheriff's Office have a use
 16 of force policy?
 17 A. Yes, sir.
 18 Q. And what does that use of force policy say
 19 about discharging a firearm?
 20 A. I'm not exactly sure.
 21 Q. Okay. On the second page it says, again,
 22 that you located and recovered an empty
 23 torn baggy that at one time had contained

Page 60

1 cocaine. And you've signed that?
 2 A. Yes, sir.
 3 Q. Okay. Are you sure that at one time that
 4 it contained cocaine?
 5 MR. MASTERS: Object to the form.
 6 A. Yes, sir.
 7 Q. And that is your statement that you wrote
 8 in connection with this case?
 9 A. Yes, sir.
 10 Q. How were you dressed that day?
 11 A. I don't remember.
 12 Q. Middle of June -- or end of June. Pretty
 13 hot. Were you probably -- were you
 14 wearing -- do you recall whether or not you
 15 would have been wearing short-sleeve shirts
 16 at that time?
 17 A. Probably.
 18 Q. Okay. And the drug task force operates in
 19 some cases undercover; correct?
 20 A. That's correct.
 21 Q. You operate in plain clothes?
 22 A. That's correct.
 23 MR. LEWIS: Let me have about five

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minutes, Daryl.

MR. MASTERS. That's fine. Take whatever time you need.

(A brief recess was taken.)

Q. (Mr. Lewis continuing:) I have just a couple more questions.

Did you fill out a use of force report form following the discharge of your weapon?

A. At that time I don't believe our department had one. And I still don't believe we had one, but what I did do was I did a statement and gave it to the sheriff.

Q. Is that this statement that we've just seen?

A. I think it's the same statement.

Q. Were you reprimanded in any way for doing that?

A. No, sir.

Q. Have you ever been reprimanded during your period with the Lowndes County Sheriff's Office?

A. Not one time.

1 CHRISTOPHER WEST
2 who was duly sworn by me to speak the truth, the
3 whole truth and nothing but the truth, in the
4 matter of:
5 RICHARD MARSHALL,
6 Plaintiff,
7 vs.
8 CHRIS WEST, in his individual
9 Capacity, LASHUN HUTSON, in his
10 Individual capacity,
11 Defendants.
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE MIDDLE DISTRICT OF ALABAMA
14 NORTHERN DIVISION
15 Case Number 2:06-cv-701-ID.CSC
16 on January 21, 2008.

17 The foregoing 62 computer-printed pages
18 contain a true and correct transcript of the
19 examination of said witness by counsel for the
20 parties set out herein. The reading and signing of
21 same is hereby waived.

22 I further certify that I am neither of
23 kin nor of counsel to the parties to said cause nor

Page 62

Page 64

Q. Are you aware of any citizen complaints against you that were investigated?

A. I'm sure citizens have complained.

MR. LEWIS: I believe that's all I have. Thank you.

(Deposition concluded at approximately 10:35 a.m.)

FURTHER DEPONENT SAITH NOT

REPORTER'S CERTIFICATE

STATE OF ALABAMA:
MONTGOMERY COUNTY:

I, Tracie Sadler Blackwell, Certified Court Reporter and Commissioner for the State of Alabama at Large, do hereby certify that I reported the deposition of:

1 in any manner interested in the results thereof.
2 This 6th day of February 2008.
3
4
5

Tracie Sadler Blackwell
ACCR No. 294
Expiration date: 9-30-2008
Certified Court Reporter
and Commissioner for the State
of Alabama at Large

EXHIBIT 1

06MG00466

SubH 1 Received (11/28/2005)
2nd Judicial Drug Task Force
Case# 05-06-011

Evidence Submis

Date: 11-28-05

County: Lowndes

Suspect(s): Richard J. Marshall

Race: B Sex: M DOB: Adult

Suspect(s):

Race: Sex: DOB:

Subject(s):

Race: Sex: DOB:

Subject(s):

Race: Sex: DOB:

Requesting Agent: C.S. West

Title: Commander

Office No. (334) 335-3340

Fax No. (334) 335-6401

Normal Duty Hours: 9am-5pm

Agency: 2d Judicial Circuit Drug Task Force

Mailing Address: PO Box 795 North Tuskeena Street Hayneville, Alabama 36040

Law Enforcement Case No: 05-06-011

Property No.: 01

Type Case (CHARGE): Possession

Brief History of Case: Offender found to be in possession while attempting to elude

*Evidence Submitted: residue

Examination Requested: Drug Analysis

*NOTES THAT EVIDENCE IS IN A CLEAR SEALED PLASTIC BAG



ALABAMA
DEPARTMENT OF FORENSIC SCIENCESREGIONAL LABORATORY
P.O. BOX 210516
MONTGOMERY, AL 36121-0516
(334) 242-2938
FACSIMILE (334) 240-3284MEDICAL EXAMINER
P.O. BOX 240591
MONTGOMERY, AL 36124-0591
(334) 242-3093
FACSIMILE (334) 260-8734

EVIDENCE RECEIPT

CASE NUMBER: 06MG00466 ID: 1 TYPE: Controlled Substances REFERENCES: LAB: MG
AGENCY NUMBER: 05-06-011 ORI NUMBER: AL045 TASK DATE: 11/28/05 TIME: 1:22 pm

CASE NAMES	TYPE	RACE	SEX	DOB	AGE	STATUS
Richard J Marshall	S	B	M			

CHAIN OF CUSTODY	DATE	TIME
Secured at Montgomery Regional Laboratory Evidence Intake Area	11/28/05	1:22 pm


DESCRIPTION OF EVIDENCE: SERVICE REQUESTED:
1 One brown paper bag identified to contain drug evidence DRUG CHEMISTRY

ALL ITEMS LISTED ABOVE ARE AS DESCRIBED BY THE SUBMITTING AGENCY AND ARE SUBJECT TO VERIFICATION UPON INSPECTION BY THE ANALYST

REPORT TO:

Commander C. S. West
2nd Judicial Drug Task Force
146 East 4th Street
Luverne, AL 36049

SUBMITTED BY:


G. Lashun Hutson



ALABAMA
DEPARTMENT OF FORENSIC SCIENCES

REGIONAL LABORATORY
P.O. BOX 210516
MONTGOMERY, AL 36121-0516
(334) 242-2938

MEDICAL EXAMINER
P.O. BOX 240591
MONTGOMERY, AL 36124-0591
(334) 242-3093

CERTIFICATE OF ANALYSIS

Commander C. S. West
2nd Judicial Drug Task Force
146 East 4th Street
Luverne, AL 36049

CASE NUMBER: 06MG00466

SUBMITTING AGENCY CASE NUMBER: 05-06-011

SUSPECT(S):	Richard J Marshall	Race B	Sex M	Date of Birth	Status Adult
-------------	--------------------	-----------	----------	---------------	-----------------

SERVICE REQUESTED: Drug Analysis

CHAIN OF CUSTODY:

	DATE	TIME
G. Lashun Hutson from 2nd Judicial Drug Task Force	11/28/2005	13:22
Michael L. Hitchcock	12/01/2005	14:35
Robert Agee	01/13/2006	08:59

DESCRIPTION OF EVIDENCE:

- One brown paper bag containing residue

RESULTS OF ANALYSES:

DATE(S) OF ANALYSES: 01/26/2006

- Laboratory analyses of the residue failed to reveal the presence of any controlled substances.

Sworn to and subscribed to me this the 2nd Day of Feb. 2006 as true and correct



An ASCLD/LAB Accredited Laboratory since October 2003

Alabama Department of

Public Safety

BUREAU OF INVESTIGATION

FINGERPRINT EXAMINATION REQUEST
ABI-28 (2-95)RETURN TO: LATENT PRINT UNIT
P.O. BOX 1511
Montgomery, AL 36102-0501
Phone: (334) 242-4244

TYPE OR PRINT CLEARLY (USE BLACK INK) AND SUBMIT IN TRIPLICATE

1. CONTRIBUTOR TITLE: 23 Judicial Dist. Court		6. CONTRIBUTOR CASE NO: 05-06-011	
2. NAME Christopher S. Duff		7. TYPE OF CRIME: Drug	
3. AGENCY: Seale		8. DATE OF CRIME: 6-28-05	
ADDRESS 196 E. 4th Street		9. VICTIM OF CRIME:	
CITY Lynch	STATE AL	10. DPS LATENT CASE NO: 09-1108-35-05	
4. PHONE NO: 334-235-3340		11. NEW CASE: <input checked="" type="checkbox"/>	12. ADDITIONAL EVIDENCE OR SUSPECT
5. REPORT TO: Seale		13. SPECIAL INSTRUCTIONS:	

14. SUBMITTED BY: Christopher S. Duff	PRINT NAME	15. SIGNATURE 	16. AGENCY 23 JDTF	17. DATE/TIME 7-12-05 1:09 PM
--	------------	-------------------	-----------------------	----------------------------------

18. DETAILED LIST OF ITEMS SUBMITTED: INCLUDE NAME, RACE, SEX, DOB, OF ALL SUSPECTS. USE EXTRA SHEETS IF NECESSARY

1. Brown Paper Bag containing clear plastic baggie.

19. FOR DPS USE ONLY

RECEIVED BY: SE [Signature]	PRINT NAME	SIGNATURE 	HOW RECEIVED Nationally	DATE/TIME 7-12-05 1:09 PM
EVIDENCE RETURNED TO: Christopher S. Duff	PRINT NAME	SIGNATURE 	AGENCY 23 JDTF	DATE/TIME 8:25 AM
EVIDENCE RETURNED BY: [Signature]	PRINT NAME	SIGNATURE 	HOW RETURNED [Signature]	DATE/TIME [Signature]

LOG NO: 099	AS	CAS	CLTR	LTR	NLV	TYPE	REV.	EXHIBIT NO:
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Alabama Department of

Public Safety

BUREAU OF INVESTIGATION

FINGERPRINT EXAMINATION REQUEST

ABI-28 (2-95)

RETURN TO: LATENT PRINT UNIT
P. O. BOX 1511
Montgomery, AL 36192-0501
Phone: (334) 242-4244

TYPE OR PRINT CLEARLY (USE BLACK INK) AND SUBMIT IN TRIPLICATE

1. CONTRIBUTOR TITLE: <i>2nd Judicial Drug Test Force</i>		6. CONTRIBUTOR CASE NO: <i>05-06-011</i>	
2. NAME <i>Christopher S. West</i>		7. TYPE OF CRIME: <i>Drug</i>	
3. AGENCY: <i>Same</i>		8. DATE OF CRIME: <i>6-28-05</i>	
ADDRESS <i>196 E. 4th Street</i>		9. VICTIM OF CRIME:	
CITY <i>Luverne</i>	STATE <i>AL.</i>	10. DPS LATENT CASE NO: <i>09-1108-35-05</i>	
4. PHONE NO: <i>334-335-3396</i>		11. NEW CASE: <input checked="" type="checkbox"/>	12. ADDITIONAL EVIDENCE OR SUSPECT
5. REPORT TO: <i>Same</i>		13. SPECIAL INSTRUCTIONS:	

14. SUBMITTED BY: <i>Christopher S. West</i>	PRINT NAME	15. SIGNATURE <i>[Signature]</i>	16. AGENCY <i>2nd JDTF</i>	17. DATE/TIME <i>7-12-05/1:09pm</i>
---	------------	-------------------------------------	--	--

18. DETAILED LIST OF ITEMS SUBMITTED: INCLUDE NAME, RACE, SEX, DOB, OF ALL SUSPECTS. USE EXTRA SHEETS IF NECESSARY

① Brown Paper Bag containing clear plastic baggie.

19. FOR DPS USE ONLY

RECEIVED BY: <i>SF Shannon Fitzgerald</i>	PRINT NAME	SIGNATURE	HOW RECEIVED <i>Personally</i>	DATE/TIME <i>7-13-05 1:09pm</i>
EVIDENCE RETURNED TO:	PRINT NAME	SIGNATURE	AGENCY	DATE/TIME
EVIDENCE RETURNED BY:	PRINT NAME	SIGNATURE	HOW RETURNED	DATE/TIME

LOG NO: <i>049</i>	AS	CAS	CLTR	LTR	NLV	TYPE	REV.	EXHIBIT NO:
-----------------------	----	-----	------	-----	-----	------	------	-------------

Public Safety

REPLY MAY BE MADE TO:

Shannon Fitzgerald
ABI Headquarters

Date: 8-25-05

Dear Contributor:

The enclosed case file is being returned to your department for the following reason:

☐ Statute of Limitations Has Expired

☒ No latent prints of value were found on the evidence which:

☒ is enclosed

☐ is being forwarded to the Department of Forensic Sciences.

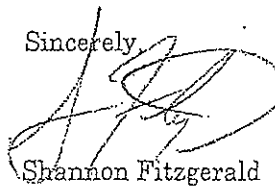
☐ is being retained for pick up by your department.

Retention of this file is recommended until such time your department determine it
Has no evidentiary value.

This file is the original and no copy will be retained by this department.

If this department can be of further assistance to you, please do not hesitate to
Contact me at (334) 395-4320.

Sincerely,



Shannon Fitzgerald
Certified Latent Print Examiner
Alabama Bureau of Investigation

SF/ss

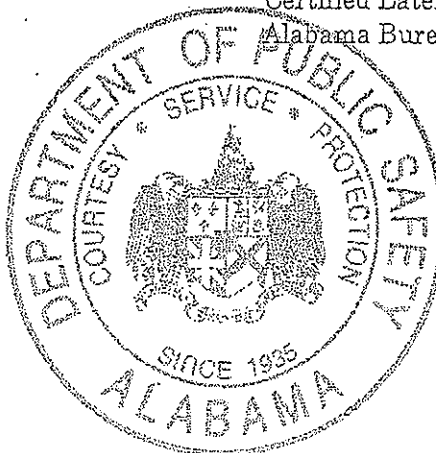


EXHIBIT 2

SECOND JUDICIAL DRUG TASK FORCE

SERVING BUTLER, CRENSHAW AND LOWNDES COUNTIES
 146 EAST FOURTH STREET
 LUVERNE, ALABAMA 36049
 334-335-3340

COURTESY WARNING

DATE 6-30-05 TIME 2:00 pm
 For: 6-25-05

SPEEDING _____ MPH _____ MPH ZONE

IMPROPER LANE USAGE

FAILURE TO YIELD

IMPROPER TAG

FAILURE TO SIGNAL

RED LIGHT

FOLLOWING TO CLOSE

STOP SIGN

IMPROPER TURN

DEFECTIVE EQUIPMENT _____

OTHER/REMARKS

Attempted to Evoke, No Seat Belt

MAKE OF VEHICLE

Chevrolet

YEAR

1971

COLOR

Blue

VEHICLE TAG # _____

STATE

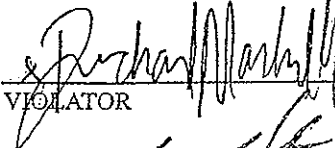
AL.

LOCATION

Highway 21 S. Lowndes County

THIS IS A COURTESY WARNING ONLY AND WILL NOT REFLECT ON YOUR
 OPERATORS LICENSE

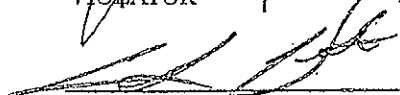
VIOLATOR

6018769

DRIVERS LICENSE #

STATE AL.

AGENT



ID

DE-1

THE LIFE YOU SAVE MAY BE YOUR OWN



EXHIBIT 3

State of Alabama
Unified Judicial System

Form CR-57 (front) Rev. 8/98

DEPOSITION

Warrant/Summons Number

Case Number

IN THE District COURT OF Lauderdale County, ALABAMA
(Circuit, District or Municipal) (Name of Municipality or County)☐ STATE OF ALABAMA
☐ MUNICIPALITY OF

v.

Defendant

INSTRUCTIONS: COMPLETE THE FOLLOWING INFORMATION ON THE ACCUSED

Name of Accused (or Alias) <u>Richard T. Marshall</u>				Telephone Number	
Social Security Number <u>424-94-2660</u>		Driver's License Number		Date of Birth <u>2-29-74</u>	Age <u>21</u>
Height <u>5'9"</u>	Weight <u>160</u>	Hair <u>Blk</u>	Eyes <u>Bro</u>	Race <u>31</u>	Sex <u>M</u>
Address of Accused (or Alias) <u>108 S. Burbank Dr.</u>			City <u>Montgomery</u>	State <u>AL</u>	Zip Code
Name of Employer				Employer's Telephone Number	
Address of Employer			City	State	Zip Code

INSTRUCTIONS: COMPLETE THE FOLLOWING INFORMATION ON THE OFFENSE

Offense: Poss. of Controlled Sub. / Pistol w/o Permit
 Date and Time of Offense: 6-28-05
 Place of Occurrence: Hwy 21 South, Huxleyville AL.
 Person Attacked or Property Damaged: Front End of Undercover Police Vehicle
 How Attacked:

Was accused under the influence of alcohol or a controlled substance? ☐ Yes ☒ NoAny law enforcement agency contacted? ☐ Yes ☒ No

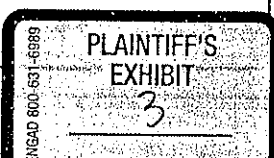
If yes, which one?

Did Accused Possess or Use a Weapon? ☒ Yes ☐ No Type: Rossi 357 MagnumDid you go to the hospital? ☐ Yes ☒ No

Damage Done or Injuries Received:

Value of Property: UNKNOW

Details of Offense: Offender attempted to elude DTF Agents at the same time throwing drug evidence out of the window. Offender was forced from the roadway onto the opposite side of the roadway where his vehicle came to rest. Offender was not wearing a seat belt and was highly belligerent, cursing, very combative and obviously highly agitated. There also was a passenger in the vehicle. Both individuals were detained and transported to the Lauderdale County Detention Facility.

☐ Check if additional pages are necessary.

Form CR-57 (back)

Rev. 8/98

DEPOSITION

Any Law Enforcement Agency Contacted? ☐ Yes ☐ No
 If yes, which one? _____

I make this statement for the purpose of securing a WARRANT/SUMMONS against the named of accused. I understand that I am instituting a criminal proceeding and cannot dismiss this case. I further understand that if any of the foregoing facts are untrue, I may, in addition to any other punishment provided by law, be taxed with court costs in this proceeding.

Sworn to and Subscribed before me this

day of

June 1905
Chancellor
 Judge/Clerk/Magistrate

Complainant

Social Security Number

Address

Phone Number: _____

WITNESSES

Name

Address

Telephone Number

C. West
L. Hinson

DTE
DTE

MAGISTRATE NOTES

Warrant or Summons issued? ☐ Yes ☐ No

Warrant Number: _____

EXHIBIT 4

ALABAMA JUDICIAL INFORMATION SYSTEM

* * * IN THE DISTRICT COURT OF LOWNDES COUNTY * * *

AGENCY NUMBER:

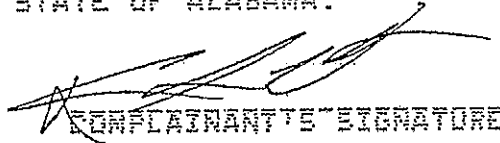
WARRANT NUMBER: WR 2005 000435.00
OTHER CASE NUM:

C O M P L A I N T

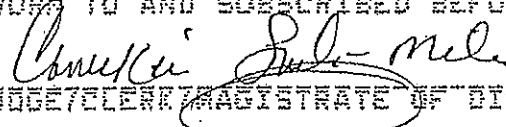
BEFORE ME THE UNDERSIGNED JUDGE/CLERK/MAGISTRATE OF THE DISTRICT COURT OF LOWNDES COUNTY, ALABAMA, PERSONALLY APPEARED COMMANDER CHRISTOPHE WHO BEING DULY SWORN DEPOSES AND SAYS THAT HE/SHE HAS PROBABLE CAUSE FOR BELIEVING, AND DOES BELIEVE THAT RICHARD J. MARSHALL DEFENDANT, WHOSE NAME IS OTHERWISE UNKNOWN TO THE COMPLAINANT, DID WITHIN THE ABOVE NAMED COUNTY AND

DID ON OR ABOUT JUNE 28, 2005, WHILE IN LOWNDES COUNTY, ALABAMA:

(XX) UNLAWFULLY POSSESS A CONTROLLED SUBSTANCE, TO-WIT: COCAINE, IN VIOLATION OF 13A-012-012 OF THE CODE OF ALABAMA, AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.


COMPLAINANT'S SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 28 DAY OF JUNE, 2005.


JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: POSS/SEC CONTR. SUBS 13A-012-212

F FELONY

WITNESS FOR THE STATE

COMMANDER CHRISTOPHE/146 E 4TH STREET/LUVERNE/36044

OPERATOR: CAM

DATE: 06/06/2005



OPERATOR: CAN DATE: 05/15/2005

COMPLAINANT: LUCAS, JR. 3504
145 E 4TH STREET
TULSA, OK 74103

THIS DAY OF _____

EXECUTED THE WITHIN WARRANT BY ARRESTING THE DEFENDANT AND
PLACING DEFENDANT IN THE TULSA COUNTY JAIL
RELEASING DEFENDANT ON APPEARANCE BOND

NAME: RICHARD J. MARSHALL
ADDRESS: 101 S. BURNHAM DRIVE
TULSA, OK 74103
STATE: AL
ZIP: 74103
PHONE: 918 442 1111
FAX: 918 442 1111
MAY 15 2005

CHARGES: ROBBERY/REC. CONTR. SUBS. 13A-01-212

JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

Handwritten signature: [Signature]

BOND SET AT: \$10,000.00 BOND TYPE: PROPERTY BOND

DATED THIS 15 DAY OF JUNE, 2005.

YOU WILL RECEIVE UNTO YOUR CUSTODY AND OBTAIN HIM/HER UNTIL THE
DAY OF _____, OR UNTIL LEGALLY DISCHARGED.
AND HAVE YOU THEN AND THERE THIS WARRANT WITH YOUR RETURN. RETURN: 001
YOU ARE HEREBY COMMANDED TO APPEAR IN DISTRICT COURT OF TULSA COUNTY TO ANSWER THE STATE
HIM/HER BEFORE THE DISTRICT COURT OF TULSA COUNTY TO ANSWER THE STATE
ON A CHARGE(S) OF:
TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

STATE OF ALABAMA
TULSA COUNTY
DISTRICT COURT
WARRANT NUMBER: WA 2005 000431.00
OTHER CASE NUMBER: _____

EXHIBIT 5

TYPE OR PRINT IN BLACK INK

5

OFFICER WORK PRODUCT MAY NOT BE PUBLIC

INCIDENT/OFFENSE REPORT CONTINUED		95 DATE AND TIME OF REPORT 06/28/05 8:21		96 CASE # 05-06-0111		97 SFX		98 <input checked="" type="checkbox"/> OFFENDER <input type="checkbox"/> SUSPECT <input type="checkbox"/> MISSING PERSON		<input type="checkbox"/> CHECK IF MULTIPLE					
99 NAME (LAST, FIRST, MIDDLE) Marshall, Richard J.				100 NICKNAME/ALIAS "Blood"		101 RACE <input checked="" type="checkbox"/> B <input type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> I		102 SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F		103 DOB 02/24/74		104 AGE 31			
105 ADDRESS (STREET, CITY, STATE, ZIP) 101 S. Burbank Drive Montgomery, Alabama				106 HGT 59		107 WGT 160		108 EYE Bro		109 HAIR Blk		110 COMPLEXION Dark			
111 PROBABLE DESTINATION				112 ARMED? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> UNK		113 WEAPON Rossi 357 Magnum									
114 CLOTHING				<input type="checkbox"/> SCARS <input type="checkbox"/> MARKS <input type="checkbox"/> TATTOOS				115 <input type="checkbox"/> ARRESTED <input type="checkbox"/> WANTED							
116 NAME (LAST, FIRST, MIDDLE)				117 NICKNAME/ALIAS		118 RACE <input type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> I		119 SEX <input type="checkbox"/> M <input type="checkbox"/> F		120 DOB		121 AGE			
122 ADDRESS (STREET, CITY, STATE, ZIP)				123 HGT		124 WGT		125 EYE		126 HAIR		127 COMPLEXION			
128 PROBABLE DESTINATION				129 ARMED? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> UNK		130 WEAPON									
131 CLOTHING				<input type="checkbox"/> SCARS <input type="checkbox"/> MARKS <input type="checkbox"/> TATTOOS				132 <input type="checkbox"/> ARRESTED <input type="checkbox"/> WANTED							
133 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				134 ADDRESS (STREET, CITY, STATE, ZIP)				135 RES. PHONE				136 BUS. PHONE			
#1 Hutson, L				SEX <input type="checkbox"/> M <input type="checkbox"/> F RACE <input type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> I				DTF				() ()			
#2				SEX <input type="checkbox"/> M <input type="checkbox"/> F RACE <input type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> I				()				()			
#3				SEX <input type="checkbox"/> M <input type="checkbox"/> F RACE <input type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> I				()				()			
#4				SEX <input type="checkbox"/> M <input type="checkbox"/> F RACE <input type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> I				()				()			
WITNESS #1 SSN				WITNESS #2 SSN				WITNESS #3 SSN				WITNESS #4 SSN			
NARRATIVE				137 Offender failed to stop for Agents after being blue lighted throwing drug evidence out of the drivers side window as the chase progressed. Offender was forced off the road and had to be forced to the ground and forced to comply. Subject conducted himself in an extremely violent manner as if maybe under the influence of a controlled substance. Subject was arrested and transported to the Lowndes County Detention Facility.											
CONTINUED ON SUPPLEMENT <input type="checkbox"/> Y <input checked="" type="checkbox"/> N				ASSISTING AGENCY ORI				ASSISTING AGENCY CASE #				SFX			
I hereby affirm that I have read this report and that all information given by me is correct to the best of my knowledge. I will assume full responsibility for notifying the agency if any stolen property or missing person hereby reported is returned				138 LOCAL USE TASK				139 STATE USE							
SIGNATURE				140 CASE #				141 SFX				142 CASE #			
MULTIPLE CASES CLOSED				143 SFX				144 CASE #				145 SFX			
147 CASE STATUS <input type="checkbox"/> 1 - PENDING <input type="checkbox"/> 2 - INACTIVE <input checked="" type="checkbox"/> 3 - CLOSED ENTERED <input type="checkbox"/> Y ACIC/INCIC <input type="checkbox"/> N DATE				148 CASE DISPOSITION <input type="checkbox"/> 1 - CLEARED BY ARREST (JUV) <input checked="" type="checkbox"/> 2 - CLEARED BY ARREST (ADULT) <input type="checkbox"/> 3 - UNFOUNDED <input type="checkbox"/> 5 - ADMINISTRATIVELY CLEARED				149 REPORTING OFFICER Cmdr. Christopher S. West 150 ASSISTING OFFICER				151 SUPERVISOR APPROVAL ID # 142 WATCH CMDR ID #			
AD MIN				4 - EXCEPTIONAL CLEARANCE <input type="checkbox"/> A - SUSPECT/OFFENDER DEAD <input type="checkbox"/> B - OTHER PROSECUTION <input type="checkbox"/> C - EXTRADITION DENIED <input type="checkbox"/> D - LACK OF PROSECUTION <input type="checkbox"/> E - JUVENILE, NO REFERRAL <input type="checkbox"/> F - DEATH OF VICTIM											

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

IDENTIFICATION	1 ORI# 0, 4, 5, 0, 0, 0	2 AGENCY NAME 25 Judicial Drug Test Form LOWNDES COUNTY DETENTION FACILITY	3 CASE # 0 5 0 6 8 8 8 4 2	4 SFX	
	5 LAST, FIRST, MIDDLE NAME MARSHALL, RICHARD JAMES		6 ALIAS AKA		
	7 SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	8 RACE <input type="checkbox"/> W <input checked="" type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I	9 HGT. 160	10 WGT. 160	11 EYE BRO
	12 HAIR BLK	13 SKIN DRK	14 <input type="checkbox"/> SCARS	<input type="checkbox"/> MARKS	<input type="checkbox"/> TATTOOS
ARREST	15 PLACE OF BIRTH (CITY, COUNTY, STATE) ALABAMA	16 SSN 4 2 4 - 9 4 - 2 6 6 0	17 DATE OF BIRTH 0 2 2 4 7 4	18 AGE 31	
	20 SID #	21 FINGERPRINT CLASS KEY MAJOR PRIMARY SCOV SUB-SECONDARY FINAL	22 DL # 6018769	23 ST AL	
	24 FBI #	HENRY CLASS NCIC CLASS	25 IDENTIFICATION COMMENTS		
	26 <input checked="" type="checkbox"/> RESIDENT <input type="checkbox"/> NON-RESIDENT	27 HOME ADDRESS (STREET, CITY, STATE, ZIP) 101 S BURBANK DR APT.D-10 MONTGOMERY, AL 36117	28 RESIDENCE PHONE ()	29 OCCUPATION (BE SPECIFIC) UNEMPLOYED	
VEHICLE	30 EMPLOYER (NAME OF COMPANY/SCHOOL)	31 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP) N/A	32 BUSINESS PHONE ()		
	33 LOCATION OF ARREST (STREET, CITY, STATE, ZIP) 21 SOUTH HAYNEVILLE ALABAMA	34 SECTOR #	35 ARRESTED FOR YOUR JURISDICTION? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
	36 CONDITION OF <input type="checkbox"/> DRUNK <input checked="" type="checkbox"/> SOBER ARRESTEE: <input type="checkbox"/> DRINKING <input type="checkbox"/> DRUGS	37 RESIST ARREST? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	38 INJURIES? <input checked="" type="checkbox"/> NONE	39 ARMED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	40 DESCRIPTION OF WEAPON <input type="checkbox"/> HANDGUN <input type="checkbox"/> OTHER FIREARM <input type="checkbox"/> RIFLE <input type="checkbox"/> OTHER WEAPON <input type="checkbox"/> SHOTGUN
	41 DATE OF ARREST 0 6 2 8 0 5	42 TIME OF ARREST 04:00 <input type="checkbox"/> 1. AM <input checked="" type="checkbox"/> 2. PM	43 DAY OF ARREST 1 2 3 4 5 6 7	44 TYPE ARREST <input checked="" type="checkbox"/> ON VIEW <input type="checkbox"/> CALL <input type="checkbox"/> WARRANT	45 ARRESTED BEFORE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
JUVENILE	46 CHARGE-1 <input checked="" type="checkbox"/> FEL <input type="checkbox"/> MISD POSS OF CONTROLLED SUB	47 UCR CODE 532	48 CHARGE-2 <input type="checkbox"/> FEL <input checked="" type="checkbox"/> MISD PISTOL W/O PERMIT	49 UCR CODE 5709	
	50 STATE CODE/LOCAL ORDINANCE	51 WARRANT #	52 DATE ISSUED M D Y	53 STATE CODE/LOCAL ORDINANCE	
	54 CHARGE-3 <input type="checkbox"/> FEL <input type="checkbox"/> MISD	55 UCR CODE	56 CHARGE-4 <input type="checkbox"/> FEL <input type="checkbox"/> MISD	57 UCR CODE	
	58 STATE CODE/LOCAL ORDINANCE	59 WARRANT #	60 DATE ISSUED M D Y	61 STATE CODE/LOCAL ORDINANCE	
RELEASE	62 ARREST DISPOSITION <input checked="" type="checkbox"/> HELD <input type="checkbox"/> TOT-LE <input type="checkbox"/> BAIL <input type="checkbox"/> OTHER <input type="checkbox"/> RELEASED	63 IF OUT ON RELEASE WHAT TYPE?	64 ARRESTED WITH (1) ACCOMPLICE (FULL NAME)		
	65 ARRESTED WITH (2) ACCOMPLICE (FULL NAME)		66 RELEASED TO		
	67 PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME)	68 ADDRESS (STREET, CITY, STATE, ZIP)	69 PHONE ()		
	70 PARENTS EMPLOYER	71 OCCUPATION	72 ADDRESS (STREET, CITY, STATE, ZIP)		
RELEASE	73 DATE AND TIME OF RELEASE M D Y : <input type="checkbox"/> 1. AM <input type="checkbox"/> 2. PM	74 RELEASING OFFICER NAME	75 AGENCY/DIVISION	76 ID #	
	77 RELEASED TO:	78 AGENCY/DIVISION	79 AGENCY ADDRESS		
	80 PERSONAL PROPERTY RELEASED TO ARRESTEE <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> PARTIAL	81 PROPERTY NOT RELEASED/HELD AT:	82 PROPERTY #		
	83 REMARKS (NOTE ANY INJURIES AT TIME OF RELEASE)				
RELEASE	102 SIGNATURE OF RECEIVING OFFICER Marilyn Mealing	103 SIGNATURE OF RELEASING OFFICER		104 CASE #	
	105 SFX	106 CASE #	107 SFX	108 CASE #	
	109 SFX	110 ADDITIONAL CASES CLOSED (Y/N)	111 ARRESTING OFFICER (LAST, FIRST, M.) WEST, CHRIS		
	112 ID # DEI	113 ARRESTING OFFICER (LAST, FIRST, M.)	114 ID #	115 SUPERVISOR ID #	

TYPE OR PRINT IN BLACK INK ONLY

ACJIC-34 REV. 10-90

EXHIBIT 6

2nd Judicial Drug Task Force
Drug Agent
Statement Form

Date: June 28, 2005

Time: 7:32pm

Today at about 1:00 pm I along with Agent Lashun Hutson were traveling North on Lowndes County Road 7 when we met Mr. Richard Marshall's blue Chevrolet Nova. I immediately turned around in an attempt to catch up with the vehicle. As we caught up with the vehicle I observed that neither the driver or the passenger were wearing seatbelts, we placed our blue light on the dash of our vehicle to gain the attention of the driver to pull the vehicle over. The driver looked out the window and screamed that he wasn't going to pull the vehicle over. I then pulled beside his vehicle and we showed the driver Mr. Marshall our badges identifying ourselves as law enforcement officers. He still insisted that he would not pull his vehicle over responding in a very violent manner. This incident occurred approximately 2 miles from the Lowndes County Road 7 and Alabama Highway 21 intersection. As we got to the intersection Mr. Marshall turned right onto highway 21 picking up speed and throwing drug evidence out of the driver's window at about the 102 mile marker. We also observed Mr. Marshall moving around in the seat and with his right hand constantly doing something down in the seat. We pursued Mr. Marshall for another 2.4 miles before forcing his vehicle from the roadway. The vehicle came to rest on the embankment on the opposite side of the highway. Once off the highway Agent Hutson and I took cover behind the doors of our vehicle (weapons drawn). I instructed Mr. Marshall to exit his vehicle and get on the ground. He got out of the vehicle but stood in the door still responding violently and not complying with us, at that time I fired my service weapon into the ground in an attempt to quicken Mr. Marshall into compliance but still he did not comply. Next I approached Mr. Marshall and forced him to the ground experiencing some resistance yet having to force his hands behind his back so as to handcuff him. Agent Hutson approached the passenger's side of the vehicle and removed the passenger after I secured Mr. Marshall. After securing Mr. Marshall I noticed a revolver style handgun on the seat of the vehicle and bullets lying on the seat and in the floor. Mr. Marshall was arrested and transported to the Lowndes County Detention



Facility. I later returned to the area of highway 21 where I observed Mr. Marshall throwing out the evidence. While walking the roadway I located and recovered an empty torn baggie that at one time had contained cocaine.

Signature

A handwritten signature in black ink, consisting of several overlapping, stylized strokes, written over a horizontal line.

EXHIBIT B

Declaration of Chris West

7. I have also been involved in numerous situations in which drug dealers/users will run from law enforcement and attempt to throw away their drugs.

8. My training and experience taught me that when the baggie containing a white powdery substance hit the windshield of my car during my pursuit of the Plaintiff, it was highly likely that the white powdery substance was cocaine.

9. That belief was further strengthened by the information that I had previously received that the Plaintiff was selling cocaine.

10. When I obtained the certificate of analysis on the baggie indicating that there was no controlled substance, I informed the prosecutor and the drug charge was dismissed against the Plaintiff.

11. When I encountered the Plaintiff on June 28, 2005, neither I nor Agent Hutson had any less than lethal or non-lethal weapons on our persons. As a plain clothes narcotics officer, I did not, and as a general rule, do not carry weapons such as pepper spray, TASERs, or batons.

12. Unfortunately, when I was facing non-compliance from the Plaintiff on the side of Highway 21, the only non-lethal option I had was to fire a warning shot.

13. As I testified in my deposition, firing a warning shot had the desired effect because the Plaintiff froze long enough for me to close on him and secure him.

14. The weapons charge was dismissed against the Plaintiff in order to allow him to be prosecuted by the United States Attorney for a federal firearms offense. I learned shortly after the Plaintiff's arrest that he had a domestic violence conviction in Tuscaloosa County and should not have been in possession of a firearm under federal law. I turned the case over to the Bureau of Alcohol, Tobacco, Firearms, and Explosives. Included in my case file is a true and correct

copy of the acknowledgement letter I received from BATFE as well as copies of the Plaintiff's domestic violence conviction.

15. It is my understanding that the United States Attorney is planning on presenting the case to a federal grand jury.

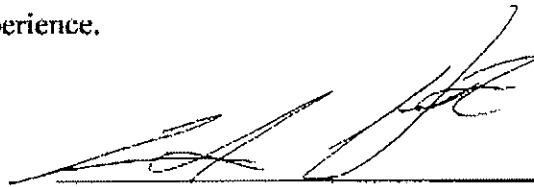
16. However, once I turned the matter over to BATFE and the United States Attorney, I have had no further involvement in any decision to prosecute the Plaintiff on the federal weapons charge.

17. As a matter of policy, whenever a vehicle is impounded by the DTF an inventory of the vehicle's contents is conducted.

18. The Plaintiff's vehicle was impounded and inventoried in accordance with our policy.

19. The documents attached to my Summary Judgment Evidentiary submissions identified as being from my case file are true and correct copies and were made and kept in the regular course of businesses of the DTF.

20. I declare under penalty of perjury that the foregoing is true and correct. I further declare that I am competent to make this declaration, and that the above statements were made by drawing from my personal knowledge and information regarding this case, as well as my professional training, education, and experience.



Chris West

EXHIBIT C

Deposition of Lashun Hutson

DEPOSITION OF G. LASHUN HUTSON

January 21, 2008

Pages 1 through 38

PREPARED BY:

Haislip, Ragan, Green, Starkie & Watson, P.C.

566 South Perry Street

Post Office Box 62

Montgomery, AL 36104

Phone: (334) 263-4455

Fax: (334) 263-9167

E-mail: haislipragan@charter.net

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RICHARD MARSHALL,

Plaintiff,

vs.

CIVIL ACTION NO.
2:06-cv-701-ID.CSC

CHRIS WEST, in his individual
capacity, LASHUN HUTSON, in his
individual capacity,

Defendants.

DEPOSITION OF G. LASHUN HUTSON, taken
pursuant to stipulation and agreement before Tracey
Sadler Blackwell, Certified Court Reporter and
Commissioner for the State of Alabama at Large, in
the Law Offices of Webb & Eley, 7475 Halcyon Pointe
Drive, Montgomery, Alabama, on January 21, 2008,
commencing at approximately 10:40 a.m.

Page 3

EXAMINATION INDEX

BY MR. LEWIS 5

PLAINTIFF'S EXHIBIT

7 6-28-05 Statement Form of Lashun Hutson 34

STIPULATIONS

It is hereby stipulated and agreed by and
between counsel representing the parties that the
deposition of G. LASHUN HUTSON is taken pursuant to
the Federal Rules of Civil Procedure and that said
deposition may be taken before Tracey Sadler
Blackwell, Certified Court Reporter and
Commissioner for the State of Alabama at Large,
without the formality of a commission, that
objections to questions other than objections as to
the form of the question need not be made at this

Page 2

APPEARANCES

ON BEHALF OF THE PLAINTIFF:

Mr. Jay Lewis
Law Offices of Jay Lewis
Attorney at Law
847 South McDonough Street
Montgomery, Alabama

ON BEHALF OF THE DEFENDANTS:

Mr. Daryl L. Masters
WEBB & ELEY, P.C.
Attorneys at Law
7475 Halcyon Pointe Drive
Montgomery, AL 36117
Mr. Rick A. Howard
NIX, HOLTSFORD, GILLILAND, HIGGINS & HITSON
Attorneys at Law
Suite 300
4001 Carmichael Road
Montgomery, AL 36106

ALSO PRESENT:

Mr. Christopher West

Page 4

as the said deposition may be offered in evidence
or used for any other purpose by either party
provided for by the Statute.

It is further stipulated and agreed by and
between counsel representing the parties in this
case that the filing of said deposition is hereby
waived and may be introduced at the trial of this
case or used in any other manner by either party
hereto provided for by the Statute regardless of
the waiving of the filing of the same.

It is further stipulated and agreed by and
between the parties hereto and the witness that the
signature of the witness to this deposition is
hereby waived.

THE COURT REPORTER: Usual
stipulations?

MR. HOWARD: Sure.

MR. MASTERS: Sure.

Page 5

1 G. LASHUN HUTSON
2 The witness, after having first been duly sworn
3 to speak the truth, the whole truth, and nothing
4 but the truth, testified as follows:
5 EXAMINATION
6 BY MR. LEWIS:
7 Q. Tell us your name, please.
8 A. G. Lashun Hutson.
9 Q. Mr. Hutson, how are you employed?
10 A. Lowndes County Sheriff's Department.
11 Q. And what's your position there?
12 A. Sheriff's deputy.
13 Q. Do you have any particular rank?
14 A. No.
15 Q. On June 28th, 2005, where were you
16 employed?
17 A. 2nd Judicial Drug Task Force.
18 Q. Were you employed with any city police
19 agency?
20 A. Hayneville Police, yes, sir.
21 Q. But now you're with the Lowndes County
22 Sheriff's Office?
23 A. Uh-huh (positive response).

Page 6

1 Q. You're going to have to say yes or no.
2 A. Yes.
3 Q. Okay. Tell me about your educational
4 background.
5 A. My educational background?
6 Q. Yeah.
7 A. High school graduate. I've got some
8 college. Marine Corps. I've got a lot of
9 training from there.
10 Q. How much college?
11 A. Couple of semesters.
12 Q. When did you graduate from high school?
13 A. '77.
14 Q. All right. Have you been to any advanced
15 law enforcement training?
16 A. I've been to a few.
17 Q. All right. Have you been to the FBI
18 Academy at Quantico?
19 A. No.
20 Q. Any law enforcement experience outside of
21 the academy that's required for POST
22 certification, any long-term -- by that I
23 mean over six weeks -- courses in law

Page 7

1 enforcement?
2 A. Not over six weeks. Some two-week
3 courses. No six-week courses.
4 Q. Do you have any particular certifications
5 in any special branch of law enforcement?
6 A. Drug enforcement.
7 Q. How did you get your training for drug
8 enforcement?
9 A. The academy in Mississippi.
10 Q. How long a course was that?
11 A. I think that course is three weeks, two
12 weeks.
13 Q. When did you go to that?
14 A. About three and a half years ago.
15 Q. Okay. And what's your address?
16 A. My work address or --
17 Q. Physical, home address.
18 A. It's going to be 3716 Fieldcrest Drive.
19 Q. 3716 --
20 A. 16.
21 Q. -- Fieldcrest?
22 A. Uh-huh (positive response).
23 Q. And what city is that?

Page 8

1 A. Montgomery.
2 Q. Is that in the Fieldcrest Apartments?
3 A. No. Those are houses.
4 Q. Houses. Okay. What's your date of birth?
5 A. 9-21-58.
6 Q. And did you tell me when you graduated from
7 high school?
8 A. 1977.
9 Q. And what college have you attended?
10 A. Albany State.
11 Q. Where?
12 A. Albany State in Georgia.
13 Q. Albany State. Okay. And when did you join
14 the -- well, tell me about your law
15 enforcement employment experience. When
16 did you first get into law enforcement?
17 A. First got into law enforcement in 1995
18 after I got out of the Marine Corps with
19 the Dougherty County Sheriff's Department.
20 I worked corrections with them from '95
21 until '98 when I came to Lowndes County.
22 Q. And in 1998 what agency did you work for?
23 A. Sheriff's department. Lowndes County

Page 9

1 Sheriff's Department.
2 Q. How long did you stay with Lowndes County
3 Sheriff's Office?
4 A. About two years, three years. I can't
5 remember.
6 Q. Where did you go from there?
7 A. Hayneville Police Department.
8 Q. And did you remain at the Hayneville Police
9 Department from the time you left the
10 sheriff's office until the time you
11 returned to the sheriff's office?
12 A. Right.
13 Q. So that would have -- when did you return
14 to the sheriff's office?
15 A. I can't give you the -- I don't -- I don't
16 know.
17 Q. But during 2005 you were still with
18 Hayneville Police Department?
19 A. Right.
20 Q. All right. Are you familiar with the use
21 of force policy of the Lowndes County
22 Sheriff's Office?
23 A. I'm not familiar with it, but I think they

Page 10

1 have one.
2 Q. All right. Have you ever filled out a use
3 of force report?
4 A. No.
5 Q. Tell me what you were doing on June 28th,
6 2005, which we all agree is the date of the
7 incident involving Mr. Marshall.
8 A. What I was doing at what time?
9 Q. Well, starting early in that day what were
10 you -- when you got to work, what were you
11 doing?
12 A. It's hard to say exactly what I was doing.
13 Q. At what time did you -- if you did, did you
14 leave the sheriff's office?
15 A. You mean the DTF office?
16 Q. I'm sorry. The DTF office.
17 A. It's hard to say exactly what time I left.
18 Q. And the DTF office is a separate facility;
19 correct?
20 A. Correct.
21 Q. And where is the DTF office?
22 A. It's down the street from the sheriff's
23 office.

Page 11

1 Q. In Hayneville?
2 A. In Hayneville.
3 Q. Do you recall who else was on duty that day
4 with the DTF?
5 By DTF, I mean drug task force.
6 A. I can't tell you exactly who was on and who
7 was off. That would be up to Lieutenant
8 West. But I was on and Lieutenant West was
9 on.
10 Q. Do you recall why you left the DTF office?
11 A. I probably left more than one time. But
12 the last time I left it was with Lieutenant
13 West.
14 Q. All right. What did you leave in?
15 A. We left in a blue Lincoln.
16 Q. What was the purpose of leaving with
17 Mr. West?
18 A. We were going to a gentleman's house by the
19 name of -- I know him as "Blood." You guys
20 keep calling him Mr. Marshall -- that lives
21 up in the -- south of Hayneville.
22 Q. Did you know Mr. Marshall?
23 A. I had heard his name, "Blood."

Page 12

1 Q. Had you met him?
2 A. Not yet.
3 Q. Okay. So prior to the time that you went
4 out with Mr. West you had not had any law
5 enforcement contact with Mr. Marshall?
6 A. No, I hadn't.
7 Q. Do you know why you were going out looking
8 for Mr. Marshall?
9 A. I was going with Lieutenant West. He
10 needed to talk to him.
11 Q. You didn't have any independent knowledge
12 of why you were out there?
13 A. No. I had an inkling why we were out
14 there, but as far as specifics, no.
15 Q. All right. What was that inkling?
16 A. Dope.
17 Q. Had you personally received any information
18 about Mr. Marshall and any dope?
19 A. I had heard his name.
20 Q. In connection with what?
21 A. In connection with the sale of drugs.
22 Q. From whom did you hear his name?
23 A. People.

Page 13

1 Q. You want to elaborate on that?

2 A. No.

3 Q. Do you recall what people you heard talking

4 about Mr. Marshall with drugs?

5 A. People in that line of business.

6 Q. And what people are you talking about?

7 A. People I may have arrested that wanted to

8 help themselves out.

9 Q. Do you have any specific names of people?

10 A. No.

11 Q. All right. So you leave with

12 Mr. Marshall. Tell me what happens then.

13 A. Lieutenant and I, we go to Mr. Marshall's

14 house. He wasn't there. We did knock.

15 Nobody came to the door. We left and we

16 was having a conversation on the way back

17 about a little community I was familiar

18 with called Casey.

19 Q. Is that C-A-S-E-Y?

20 A. Correct.

21 Q. And what did you tell Mr. Marshall about --

22 I mean, Mr. West about the Casey community?

23 A. He asked me -- he said, where is it? I

Page 14

1 said, it's right down on County Road 7. I

2 said, he might be down there. And so we

3 were going to head down there. I was

4 looking for another individual. And as we

5 were going down County Road 7, Lieutenant

6 perks up and said, there he goes right

7 there. And I'm looking and I see the blue

8 Nova coming at us.

9 Q. Who is driving the car?

10 A. Which car?

11 Q. Your car.

12 A. Lieutenant West.

13 Q. All right. What reason did you have to

14 believe that Mr. Marshall might be at the

15 Casey community?

16 A. I've heard his name in the community of the

17 drug community that he's a drug dealer and

18 he, you know, frequents different

19 communities and Casey was one of them.

20 Q. Other than this incident on June 28th,

21 2005, have you ever arrested Mr. Marshall?

22 A. No.

23 Q. Since this incident have you had occasion

Page 15

1 to arrest Mr. Marshall?

2 A. No.

3 Q. Since this incident have you had occasion

4 to know whether Mr. Marshall has been

5 arrested by anybody else?

6 A. No.

7 Q. So you see a blue Chevrolet Nova after

8 Mr. West says there's his car or there he

9 is?

10 A. Uh-huh (positive response).

11 Q. Okay. What happens then?

12 A. Lieutenant goes down. We pass each other.

13 Lieutenant turns around and we come back up

14 behind him to make a stop.

15 Q. And what was your purpose for making a

16 stop?

17 A. I -- I don't know. Whatever Lieutenant

18 West told you his probable cause was for

19 stopping him.

20 Q. Did you see any probable cause for making a

21 stop?

22 A. I wasn't driving.

23 Q. No. That wasn't the question. Did you see

Page 16

1 any probable cause for making a stop?

2 A. I wasn't driving.

3 Q. Let me rephrase the question.

4 A. Okay.

5 Q. Did you see any probable cause for making a

6 stop?

7 A. Let me see if I can -- I wasn't driving.

8 MR. HOWARD: If you saw it, yes.

9 If you didn't see it, no, or

10 were you looking? Just answer

11 his question.

12 A. No. I just looked -- when he said there he

13 is, I looked and I identified the subject.

14 I wasn't looking for a probable cause.

15 Q. So you didn't see any probable cause

16 because you weren't looking for any?

17 A. Right.

18 Q. Okay. So if there was probable cause

19 determined, it was Mr. West who determined

20 it?

21 A. Correct.

22 Q. Okay. You said that you looked and you saw

23 that it was Mr. Marshall?

Page 17

1 A. I looked and saw an individual driving the
2 car. There was two individuals in it, and
3 I looked and saw the individual driving the
4 car.
5 Q. You didn't know him as Mr. Marshall?
6 A. No.
7 Q. Because you had never met Mr. Marshall?
8 A. No.
9 Q. All right. So Lieutenant West turns his
10 car around and pulls in behind
11 Mr. Marshall's car or the car that you've
12 identified as being the blue Nova you were
13 looking for?
14 A. Right.
15 Q. How fast was that Nova going?
16 A. I would have guessed the speed limit.
17 Q. Did he speed up after you pulled in behind
18 it?
19 A. Once we got on 21 he did.
20 Q. But he didn't until you got to 21?
21 A. No.
22 Q. All right. What happened after you pulled
23 in behind him?

Page 18

1 A. I looked -- just looked in the car just to
2 see -- nobody was moving and Lieutenant
3 said, go ahead and light them up.
4 Q. And what did you take that to mean?
5 A. Turn the blue light on.
6 Q. Did you do that?
7 A. Yes.
8 Q. That car doesn't have built-in blue lights?
9 A. No.
10 Q. You had a portable blue light?
11 A. Had a portable blue light.
12 Q. Like anybody could buy?
13 A. Any law enforcement agency could buy.
14 Q. All right. And where did you put that blue
15 light?
16 A. I put it on the dash initially.
17 Q. Okay. And what happened then?
18 A. Mr. Marshall looked in his rear-view
19 mirror, he looked down in his side mirror,
20 and he just kept driving.
21 Q. At some point did your car pull up next to
22 his car while you were still on County
23 Road 7?

Page 19

1 A. Yes. We had came out of the curve. When
2 we got on the straightaway, Lieutenant got
3 to the side of them.
4 Q. What, if anything, did you do at that time?
5 A. At that time I rolled my window down, I
6 pulled my badge, and I said, pull over.
7 And he looked, and he said, what y'all
8 want, man? And I said, pull over. And he
9 kept driving.
10 Q. What happened then?
11 A. After he got back behind him -- I can't
12 remember if it's because of oncoming
13 traffic or for whatever reason he got back
14 behind him. And the blue light was still
15 going. And then we had came to the
16 intersection of 21.
17 Q. All right. Which way did Mr. Marshall
18 turn?
19 A. He turned right.
20 Q. And that's headed toward Wilcox County?
21 A. South on 21, yes.
22 Q. So you got onto Highway 21, which is a
23 larger highway?

Page 20

1 A. You could say larger.
2 Q. Still two-lane?
3 A. Correct.
4 Q. Okay. What happened then?
5 A. We continued behind him. LT found a spot.
6 He got beside him again. And I reached up.
7 I got the light off of the dash. It's
8 still blinking blue. And I got my badge
9 and I held it up. I said, pull over. And
10 he said, mother fuck y'all, I ain't
11 stopping. And about that time LT yells in
12 my ear and says, pull over, and he -- he's
13 got his badge up. And we're both yelling,
14 windows down -- you can imagine how close
15 we were -- to pull over, but he still
16 refused.
17 Q. What were you wearing?
18 A. I can't tell you exactly what I was
19 wearing.
20 Q. Civilian clothes?
21 A. Probably.
22 Q. Was that just a blue light or was it a
23 blue-and-white light?

Page 21

1 A. It's a blue light.
 2 Q. Blue light. All right. So after he did
 3 not pull over, what did you do then?
 4 A. I told LT I don't think he's going to
 5 stop. And I put the light back on the dash
 6 and I sat back. LT dropped back behind
 7 him.
 8 Q. At any point did you display a weapon --
 9 A. No.
 10 Q. -- at the time you were driving?
 11 A. No.
 12 Q. All right. So Lieutenant West -- and when
 13 you say LT, you're talking about Lieutenant
 14 West?
 15 A. I'm talking about Lieutenant West.
 16 Q. Okay. Lieutenant West pulls back behind
 17 him; correct?
 18 A. Correct.
 19 Q. What's the next thing that happens?
 20 A. We come up on a cattle truck. There's a
 21 cattle truck. It slows us down. And LT
 22 went to the side, and he "pitted" him.
 23 Q. Okay. When you say he "pitted" him, you're

Page 22

1 talking about executing a precision
 2 intervention technique?
 3 A. If that's what you're calling it now.
 4 Q. Well, what do you call it?
 5 A. I don't call it anything.
 6 Q. Okay. You just "pitted" him?
 7 A. Right.
 8 Q. And basically that's hitting the driver's
 9 side fender of his car with the front
 10 passenger's side bumper or fender of your
 11 car?
 12 A. You can do it that way or vice versa.
 13 Q. Well, which way was it done this time?
 14 A. The way you just stated.
 15 Q. Okay. And it spun his car out?
 16 A. Correct.
 17 Q. He ended up going the opposite direction on
 18 the other side of the road?
 19 A. On the shoulder, yes.
 20 Q. Did you observe anything else while you
 21 were driving down the road behind
 22 Mr. Marshall?
 23 A. I observed his hand when it came out of the

Page 23

1 window and when he tossed something. It
 2 hit our windshield to be exact.
 3 Q. And did you identify what it was at that
 4 time?
 5 A. Not at that time, no.
 6 Q. You said you came up behind a cattle truck
 7 and slowed down. How slow were you going?
 8 A. We were going less than the speed limit at
 9 that time.
 10 Q. Had you been going at any time prior to
 11 that faster than the speed limit?
 12 A. Yes.
 13 Q. How fast would you say is the fastest you
 14 were going?
 15 A. If I had to guess -- and it's purely a
 16 guess -- I would say about 70.
 17 Q. Okay. And the speed limit on that road
 18 is --
 19 A. 55.
 20 Q. 55. Okay.
 21 All right. So setting the scene, we've
 22 now got Mr. Marshall's car on the shoulder
 23 of the road facing back toward Hayneville,

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1 and Lieutenant West pulls his car so it's
 2 angled toward Mr. Marshall's car?
 3 A. Correct.
 4 Q. What did you do then?
 5 A. We both exited the vehicles, but we stayed
 6 behind the doors for protection.
 7 Q. What did you say, if anything?
 8 A. Lieutenant was yelling to the driver. I
 9 just yelled to the passenger, passenger,
 10 don't move.
 11 Q. And did the passenger move?
 12 A. No. He sat there like a statue.
 13 Q. And did the driver move?
 14 A. Yes.
 15 Q. And what was Mr. West yelling to the
 16 driver?
 17 A. He told him to exit the vehicle and get on
 18 the ground.
 19 Q. All right. What, if anything, did Mr. West
 20 do -- or did Mr. Marshall do in response to
 21 that?
 22 A. He opened the door. He got out, but he
 23 stayed between the door and his vehicle.

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1 Q. So he obeyed the command to get out of the
2 car?
3 A. Yes.
4 Q. Was he saying anything at that time?
5 A. He was cursing, being very belligerent.
6 Q. What, if anything, did Mr. West do?
7 A. He kept yelling the order for him to get on
8 the ground.
9 Q. All right. Did he take any other action?
10 A. Did who take any action?
11 Q. Mr. West.
12 A. He kept yelling for Mr. Marshall to get on
13 the ground.
14 Q. All right. Did he fire his weapon?
15 A. Yes.
16 Q. In what direction did he fire his weapon?
17 A. In Mr. Marshall's direction but into the
18 ground.
19 Q. And at that time were you looking at the
20 passenger or were you looking at
21 Mr. Marshall? Where were you looking?
22 A. My angle, I could see them both. I could
23 look at Mr. Marshall and right past him I

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1 could see the passenger.
2 Q. All right. And after Mr. West fired the
3 shot, what, if anything, did Mr. Marshall
4 do?
5 A. It froze him. Because Mr. Marshall was
6 reaching back into his vehicle, and I
7 believe that's the reason Lieutenant fired
8 his weapon. When he fired the weapon, it
9 froze Mr. Marshall, and he came out.
10 Because I don't think he expected that to
11 happen, so it froze him.
12 Q. So you're holding your hands up. He came
13 out with his hands up?
14 A. Yeah, one on the window of the car and he
15 had the other one like stunned.
16 Q. Up in the air?
17 A. (Witness nods head.)
18 Q. Yes?
19 A. Yes.
20 Q. Did he get on the ground then?
21 A. No.
22 Q. What happened?
23 A. Lieutenant approached him, and once he got

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1 close enough to him where he could put his
2 hands on him, he put him on the ground.
3 Q. At some point did his pants come off? Did
4 Mr. Marshall's pants come off?
5 A. During the tussle with the lieutenant they
6 did.
7 Q. Did you see Mr. Marshall ever take a swing
8 at the lieutenant, ever try to run away,
9 anything like that?
10 A. Nothing like that, no.
11 Q. So Mr. Marshall ends up on the ground with
12 his hands behind him cuffed?
13 A. After Lieutenant put his hands behind him
14 cuffed.
15 Q. Right. And what's happening with the
16 passenger all this time?
17 A. I've still got my weapon on him and he's
18 still sitting there like a statue.
19 Q. At any time did you feel the need to go to
20 the aid of the lieutenant?
21 A. No. He was doing pretty good.
22 Q. All right. At what point did the passenger
23 emerge from the vehicle?

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1 A. Once Lieutenant got the cuffs on
2 Mr. Marshall, then I proceeded around to
3 the passenger.
4 Q. And did the passenger cooperate with you?
5 A. Yes, sir.
6 Q. And you cuffed him and put him on the
7 ground?
8 A. Got him out and then I sat him on the bank
9 there.
10 Q. Tell me what happened then.
11 A. I walked back to the vehicle where
12 Lieutenant was with Mr. Marshall. When I
13 looked inside, I saw the .357 on the seat.
14 Q. And that was a .357 Magnum revolver?
15 A. Yes.
16 Q. Did you search the vehicle?
17 A. I can't remember if we searched it right
18 then or if we searched it later. But we
19 looked in it enough to see that there was a
20 .357 on the seat, bullets on the floorboard
21 and in the ashtray.
22 Q. Do you recall whether or not, whether you
23 searched it at the scene or you searched it

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1 later, you found anything else of
2 contraband nature?
3 A. Nothing that I can think of, no, sir.
4 Q. Just kind of cutting to the chase, did you
5 see Mr. West serve Mr. Marshall?
6 A. I saw him pat him down.
7 Q. Did you see him remove anything from his
8 pants?
9 A. No.
10 Q. Did you see him remove any money?
11 A. No.
12 Q. Were you watching him enough to know
13 whether or not he removed any money?
14 A. I watched him enough to know that he had
15 him secured so I could go secure the
16 passenger.
17 Q. So there was a period of time that you just
18 lost sight of what Mr. West and
19 Mr. Marshall were doing?
20 A. Yes.
21 Q. Because you were concentrating on the
22 passenger?
23 A. Correct.

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1 Q. I think we've already heard that at that
2 point Mr. West called for a transportation
3 unit, a marked unit, and that another
4 deputy came, took Mr. Marshall away, and
5 the passenger rode with you; is that
6 correct?
7 A. No.
8 Q. Okay. Tell me what happened.
9 A. The passenger rode with the lieutenant. I
10 drove the Nova.
11 Q. Okay. All right. Following the incident
12 at which Mr. Marshall was handcuffed, did
13 you see Mr. Marshall become violent in any
14 way?
15 A. While the lieutenant was in the car, he had
16 gotten back up off the ground. And I told
17 him -- I said, get back on the ground. And
18 I had to go over and put him back on the
19 ground.
20 Q. But he didn't attempt to run away?
21 A. I don't know if he was attempting to run
22 away or not, but he got up.
23 Q. But you walked over to him and put him back

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1 on the ground?
2 A. Right.
3 Q. And could that have been while the
4 lieutenant was searching the vehicle?
5 A. The lieutenant was leaned over in the
6 vehicle, yes.
7 Q. On the way back to the sheriff's office
8 what, if anything, happened?
9 A. Happened with me?
10 Q. Yeah.
11 A. Nothing happened with me.
12 Q. You didn't stop at the side of the road?
13 A. We stopped when the marked unit got -- tire
14 started to go down. And I don't remember
15 that whole incident fully because I wasn't
16 concentrating on that.
17 Q. Did you assist in the roadside search for
18 any contraband?
19 A. Yes.
20 Q. And was any contraband located?
21 A. We located a corner-torn baggy.
22 Q. And describe that baggy for me.
23 A. A sandwich bag where you would take the

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1 corner end and tear it off and tie a knot
2 in it. That's what it looked like.
3 Q. And who took custody of that?
4 A. The lieutenant did.
5 Q. During that period of time was the
6 passenger in Mr. Marshall's vehicle still
7 in the lieutenant's vehicle?
8 A. I can't recall.
9 Q. Did you have any role in booking
10 Mr. Marshall or the passenger?
11 A. No.
12 Q. You delivered the passenger where?
13 A. I didn't deliver the passenger.
14 Q. Oh, that's right. Mr. West did, didn't he?
15 A. Uh-huh (positive response).
16 Q. What did you do with the vehicle?
17 A. I parked it in front of the jail.
18 Q. Do you know whether or not that vehicle was
19 moved during the period of time that
20 Mr. Marshall was in jail?
21 A. Lieutenant came out from where I had parked
22 it. He told me to put it inside. They had
23 a secure gate there that locks, and he told

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1 me to move it and put it inside. That's
 2 the only other incident of it being moved
 3 from where I originally parked it.
 4 Q. Do you know whether that car was driven
 5 during any time other than that while
 6 Mr. Marshall was incarcerated?
 7 A. No.
 8 Q. Did that Chevrolet Nova have shoulder
 9 harnesses?
 10 A. I can't recall. I wish I could.
 11 Q. All right. I have shown you what's marked
 12 as Plaintiff's --
 13 (Brief interruption.)
 14 (Plaintiff's Exhibit 7 was marked
 15 for identification.)
 16 Q. I'll show you this one instead of that
 17 one. Do you recognize what I've marked as
 18 Plaintiff's Exhibit Number 7?
 19 A. Uh-huh (positive response). Yes.
 20 Q. Turn to the second page of that. Whose
 21 signature is that?
 22 A. That's mine.
 23 Q. And did you write this yourself?

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1 A. Yes.
 2 Q. All right. And I just want to take a look
 3 at it for just a second.
 4 About two-thirds down the front page it
 5 indicates that Mr. Marshall accelerated at
 6 one point throwing something from the
 7 driver's side window that was later found
 8 to be drug evidence between the 102 and 104
 9 mile marker.
 10 A. Uh-huh (positive response).
 11 Q. Did you later discover that there was no
 12 drug residue found in that baggy?
 13 A. Yes. Later, after Lieutenant had got the
 14 analysis back from forensics, he told me
 15 that it turned out to be no evidence in it.
 16 Q. Okay. I may have asked you this, and if I
 17 did, I apologize. Did you fill out a use
 18 of force form with regard to any activity
 19 in which you engaged on June 28th, 2005?
 20 A. No.
 21 Q. Is there a policy of the drug task force
 22 that such reports be filled out?
 23 A. If use of force was used -- I'm not sure of

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1 a policy -- we would put it in our
 2 statement.
 3 Q. So this Plaintiff's Exhibit Number 7 would
 4 constitute any report that you would be
 5 required to file?
 6 A. If I had used force.
 7 Q. Were you reprimanded for anything that
 8 happened on that date?
 9 A. No.
 10 Q. Have you ever been reprimanded by the
 11 Lowndes County Sheriff's Office?
 12 A. Yes.
 13 Q. For what?
 14 A. Oh, I can't remember. It was during
 15 Sheriff Varner's time.
 16 Q. You can't recall anything that you were
 17 reprimanded for?
 18 A. Once about a radio. That's -- not
 19 answering the radio or the radio not being
 20 loud -- I can't remember. It was a radio
 21 though.
 22 Q. Anything having to do with citizen
 23 complaints?

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1 A. I'm pretty sure some citizens have
 2 complained.
 3 Q. But were you ever disciplined in connection
 4 with citizen complaints?
 5 A. No. No.
 6 Q. Has your POST certification ever been
 7 suspended?
 8 A. No.
 9 MR. LEWIS: Give us a minute.
 10 (A brief recess was taken.)
 11 Q. (Mr. Lewis continuing:) Did you have
 12 any -- and I may have asked this already.
 13 Did you have any part to play other
 14 than writing that statement that's been
 15 marked as Plaintiff's Exhibit Number 7 in
 16 the booking or prosecution of Mr. Marshall?
 17 A. No, sir.
 18 Q. Did you appear at court in connection with
 19 a case against Mr. Marshall?
 20 A. No.
 21 MR. LEWIS: That's all I have.
 22 (Deposition concluded at
 23 approximately 11:15 a.m.)

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FURTHER DEPONENT SAITH NOT

REPORTER'S CERTIFICATE

STATE OF ALABAMA:

MONTGOMERY COUNTY:

I, Tracie Sadler Blackwell, Certified
Court Reporter and Commissioner for the State of
Alabama at Large, do hereby certify that I reported
the deposition of:

G. LASHUN HUTSON

who was duly sworn by me to speak the truth, the
whole truth and nothing but the truth, in the
matter of:

RICHARD MARSHALL,
Plaintiff,

vs.

CHRIS WEST, in his individual
Capacity, LASHUN HUTSON, in his
Individual capacity,
Defendants.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

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NORTHERN DIVISION

Case Number 2:06-cv-701-ID.CSC
on January 21, 2008.

The foregoing 37 computer-printed pages
contain a true and correct transcript of the
examination of said witness by counsel for the
parties set out herein. The reading and signing of
same is hereby waived.

I further certify that I am neither of
kin nor of counsel to the parties to said cause nor
in any manner interested in the results thereof.

This 6th day of February 2008.

Tracie Sadler Blackwell
ACCR No. 294
Expiration date: 9-30-2008
Certified Court Reporter
and Commissioner for the State
of Alabama at Large

20

EXHIBIT 7

2nd Judicial Circuit
Drug Task Force
Statement Form**Date:** June 28, 2005**Time:** 18:20**Name:** Agent G. LaShun Hutson

On above date at approximately 1:00 pm myself and Lt. C.S. West were traveling North on County Road 7 in Lowndes County when we met Mr. Richard Marshall traveling South in a early model blue Chevrolet Nova. Lt. West stated "That's the vehicle" and began to turn around in an attempt to catch up to the vehicle. Once behind the vehicle the blue light was placed on the dash of our vehicle to alert the driver that he was being stopped, the driver looked in his rear view mirror and left side mirror and continued to drive and began to move around in the seat and appeared to be reaching for something in the seat with his right hand, I stated to Lt. West "Lt. he's moving around a lot I don't think he's going to stop" at which time Lt. West stated "I don't either," at that point we were approximately 2 ½ miles from the intersection of County Road 7 and State Highway 21. Lt. West pulled our vehicle along side Mr. Marshall and I showed him my badge and the blue light and yelled for him to pull over at which time Mr. Marshall stated "Man what the fuck ya'll want" and continued to drive North on County Road 7. We reached State Highway 21 and Mr. Marshall turned south and accelerated at one point throwing something from the driver side window that we later found to be drug evidence between the 102 and 104 mile marker. Mr. Marshall continued South on State Highway 21, Lt. West came along side Mr. Marshall for a second time and I again yelled to Mr. Marshall to pull over at which time he stated "Motherfuck ya'll, I ain't stoppin" At that point Lt. West forced Mr. Marshall to the shoulder of the road and we exited our vehicle with our guns drawn and ordered Mr. Marshall to exit his vehicle with his hands where we could see them, Mr. Marshall exited his vehicle with a very belligerent attitude and cursing. Lt. West ordered Mr. Marshall to get on the ground and Mr. Marshall turned as if he was



getting back into the vehicle and Lt. West fired his service weapon into the ground and stated "Don't get back in that vehicle, get on the ground" Mr. Marshall paused, still being belligerent and cursing at which time Lt. West approached him and put him on the ground by force and cuffed him during which time I had turned my attention to the passenger and approached his side of the vehicle and removed him without incident and cuffed. Once both parties were secure Lt. West and I looked into the vehicle and saw what later became known to us as a Rossi .357 Revolver fully loaded with 6 (six) Hollow Point bullets and an additional 34 (thirty-four) more bullets in the ash tray and on the floor, I asked Mr. Marshall was that his weapon on the seat and he stated "What ever you see is yours because you put it there, ya'll motherfuckers good for that shit." Mr. Marshall and his passenger were taken to the John Hullett Detention Facility to be processed by a Lowndes County Sheriff Deputy as Lt. West and I returned to the area where we saw Mr. Marshall throw something from the car and Lt. West recovered a empty torn baggie that at one time had contained a controlled substance.

Signature: _____

A handwritten signature in black ink, appearing to be "A. S. G.", written over a horizontal line.

EXHIBIT D

Plaintiff's Responses to Defendants' Requests for Admission

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RICHARD MARSHALL,

Plaintiff,

V.

CHRIS WEST, in his individual capacity,)

LASHUN HUTSON, in his individual capacity

Defendants.

CIVIL ACTION NO. 2:06-cv-701-ID-CSC

**PLAINTIFF'S RESPONSE TO DEFENDANT CHRIS WEST'S REQUESTS FOR
ADMISSIONS**

COMES NOW, Richard Marshal, Plaintiff, in the above-styled cause and pursuant to Rule 36 of the Federal Rules of Civil Procedure and in response to defendant's Request for Admissions, states as follows:

REQUESTS FOR ADMISSION

1. Admit or deny that, at the time of the incidents underlying your Amended Complaint, there was a .357 caliber revolver in the car you were driving.

RESPONSE: Admit.

2. Admit or deny that, at the time of the incidents underlying your Amended Complaint, the above-referenced revolver was loaded with one or more bullets.

RESPONSE: Admit.

3. Admit or deny that, at the time of the incidents underlying your Amended Complaint, the above-referenced revolver was lying on the front seat of the car you were driving.

RESPONSE: Admit.

4. Admit or deny that you were the owner of the car you were driving at the time of the incidents alleged in your Amended Complaint.

RESPONSE: Admit.

5. Admit or deny that, at the time of the incidents underlying your Complaint, the car driven by the Defendants had a single, rotating blue light.

RESPONSE: Deny. Light was not activated until after I was in custody.

6. Admit or deny that, at the time of the incidents underlying your Amended Complaint, you saw the single, rotating blue light while it was activated.

RESPONSE: Deny. See response to Request for Admissions number 5 herein.

Admit or deny that, at the time you first observed the Defendants' car, you were not wearing your seatbelt.

RESPONSE: Admit.

7. Admit or deny that, at the time of the incidents underlying your Amended Complaint, you refused the directives given to you by the Defendants to pull your car to the side of the road.

RESPONSE: Admit.

8. Admit or deny that, after the Defendants forced your car to the side of the road, you refused to obey commands to get on the ground.

RESPONSE: Admit.

9. Admit or deny that, after the Defendants forced your car to the side of the road, you reached into the car despite the Defendants' verbal commands to the contrary.

RESPONSE: Cannot answer. Never reached into car. No command not to reach.

Dated this 23rd day of October, 2007.


Richard Marshall

SWORN TO and SUBSCRIBED before me this 23rd day of October, 2007.

Paula M. Cocker

NOTARY PUBLIC Alabama at Large

(SEAL.)

My commission expires 07/09/2011

Respectfully submitted this 23rd day of October, 2007.



JAY LEWIS (LEW031)
Attorney for Plaintiff

Law Offices of Jay Lewis, LLC
P.O. Box 5059
Montgomery, AL 36103
(334) 263-7733 (Voice)
(334) 832-4390 (Fax)

CERTIFICATE OF SERVICE

I hereby certify that on this 30 day of October, 2007 I have served an exact copy of the foregoing on counsel of record by placing same in the United States mail, first class postage prepaid and properly addressed:

Daryl L. Masters
Gary L. Willford, Jr.
Joseph L. Hubbard, Jr.
WEBB & ELEY, P.C.
P.O. Box 240909
Montgomery, AL 36124



JAY LEWIS

EXHIBIT E

Deposition of Richard Marshall

DEPOSITION OF RICHARD MARSHALL

November 14, 2007

Pages 1 through 156

PREPARED BY:

**Haislip, Ragan, Green, Starkie & Watson, P.C.
566 South Perry Street
Post Office Box 62
Montgomery, AL 36104
Phone: (334) 263-4455
Fax: (334) 263-9167
E-mail: haislipragan@charter.net**

Deposition of Richard Marshall

November 14, 2007

Page 1	Page 3
<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE MIDDLE DISTRICT OF ALABAMA 3 NORTHERN DIVISION 4 5 RICHARD MARSHALL, 6 Plaintiff, 7 vs. CIVIL ACTION NO. 8 2:06-cv-701-ID.CSC 9 CHRIS WEST, in his individual 10 capacity, LASHUN HUTSON, in his 11 individual capacity, 12 Defendants. 13 14 ***** 15 16 DEPOSITION OF RICHARD MARSHALL, taken 17 pursuant to stipulation and agreement before Lyn 18 Daugherty, ACCR #66, Certified Court Reporter and 19 Commissioner for the State of Alabama at Large, in 20 the Law Offices of Webb & Eley, 7475 Halcyon Pointe 21 Drive, Montgomery, Alabama, on Wednesday, November 22 14, 2007, commencing at approximately 10:00 a.m. 23 *****</p>	<p>1 2 Photograph 28 2 3 Photograph 29 3 4 Photograph 31 4 5 MapQuest map 36 5 6 Interview sheet 58 6 7 Photograph 79 7 8 Photograph 79 8 9 Photograph 107 9 10 Photograph 108 10 11 Photograph 108 11 12 Inmate property release slip 133 12 13 14 15 16 17 ***** 18 19 20 21 22 23</p>
Page 2	Page 4
<p>1 APPEARANCES 2 FOR THE PLAINTIFF: 3 Mr. Jay Lewis 4 Mr. Fred L. Clements 5 LAW OFFICES OF JAY LEWIS 6 Attorneys at Law 7 847 South McDonough Street 8 Montgomery, Alabama 36104 9 10 FOR THE DEFENDANT WEST: 11 Mr. Gary Wilford 12 Mr. Daryl L. Masters 13 WEBB & ELEY, P.C. 14 Attorneys at Law 15 7475 Halcyon Pointe Drive 16 P.O. Box 240909 17 Montgomery, Alabama 36124 18 19 ***** 20 EXAMINATION INDEX 21 22 RICHARD MARSHALL 23 BY MR. WILFORD 5 BY MR. LEWIS 153 EXHIBIT INDEX MAR Defendant 1 Alabama uniform arrest report 17 (Index continued on next page)</p>	<p>1 STIPULATIONS 2 It is hereby stipulated and agreed by and 3 between counsel representing the parties that the 4 deposition of RICHARD MARSHALL is taken pursuant to 5 the Federal Rules of Civil Procedure and that said 6 deposition may be taken before Lyn Daugherty, 7 Certified Shorthand Reporter, and Commissioner for 8 the State of Alabama at Large, without the 9 formality of a commission, that objections to 10 questions other than objections as to the form of 11 the question need not be made at this time but may 12 be reserved for a ruling at such time as the said 13 deposition may be offered in evidence or used for 14 any other purpose by either party provided for by 15 the Statute. 16 It is further stipulated and agreed by and 17 between counsel representing the parties in this 18 case that the filing of said deposition is hereby 19 waived and may be introduced at the trial of this 20 case or used in any other manner by either party 21 hereto provided for by the Statute regardless of 22 the waiving of the filing of the same. 23 It is further stipulated and agreed by and</p>

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between the parties hereto and the witness that the signature of the witness to this deposition is hereby waived.

RICHARD MARSHALL

The witness, after having first been duly sworn to speak the truth, the whole truth and nothing but the truth testified as follows:

EXAMINATION

BY MR. WILFORD:

Q. Would you please state your name for the record, sir.

A. Richard Marshall.

Q. Mr. Marshall, my name is Gary Wilford, and together with Daryl Masters, who is also here in the room, we're representing the defendants that you have sued in this case -- well, excuse me -- one of the defendants that you've sued in this case, Chris West. Where do you live?

A. Lowndes County, Farmersville.

Q. How long have you lived there?

A. Basically all my life.

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Q. Have you ever given a deposition before?

A. No, sir.

Q. Let me cover just a few ground rules here. As you can see, we've got a court reporter, and one of the things that she's doing is she's taking down everything that we're saying in the room here today; okay? And I'm going to be asking you some questions and you're going to be answering those questions for me. And when you do that, because we've got the court reporter here, there's a couple of things we need to keep in mind. The first thing is let's try not to talk over the top of each other because it makes it difficult for her to get a good transcription down. Wait for me to ask my question completely and then go ahead and give me a verbal response. And by that I mean a yes, no, or whatever it may be. Shaking your head and saying huh-uh and uh-huh as we tend to do in normal conversation is, again, one of those things that's kind of hard for the court reporter

Page 7

to get down. If I ask a question that you don't understand, please let me know and I'll be happy to rephrase it, try to put it another way so that you know exactly what it is that I'm asking you; all right?

A. Okay.

Q. Because when I ask you a question and you give me an answer, I'm expecting that you understood my question. Can we have that understanding?

A. Okay.

Q. This isn't an inquisition. If you need a break, if you need to talk to your lawyer, get something to drink, whatever the case may be, let me know and we can take a break; all right?

A. Okay.

Q. And we'll probably do it on our end once or twice as well.

A. All right.

Q. Other than your lawyers, who are with you here today, have you spoken with anyone to prepare for your deposition today?

Page 8

A. No, sir.

Q. I noticed when you came in this morning I saw you and Mr. Carmichael walking up together. Did y'all ride in together today?

A. Yes, sir.

Q. Did y'all talk about this case on the ride up?

A. No, sir.

Q. Have you ever talked to Mr. Carmichael about this case?

A. No, sir.

Q. At any time?

A. No, sir.

Q. Are you related to Mr. Carmichael?

A. Yes. My cousin.

Q. Cousin?

A. (Witness nods head).

Q. Did you review any documents in preparing for your deposition today?

A. Not today, but I have -- through my lawyer I have.

Q. To prepare for this deposition?

Page 9	Page 11
<p>1 A. Not to prepare for the deposition, but for 2 the case. 3 Q. What documents did you review? 4 A. Just basically disclosure, whatever from 5 the other party. 6 Q. The information that we gave you? 7 A. Yeah. 8 Q. Anything that you provided your attorneys, 9 any documents you provided your attorneys? 10 A. None other than what y'all requested. 11 Q. What's your date of birth, sir? 12 A. 2/24/74. 13 Q. And how old does that make you? I'm not 14 very good at math. 15 A. 33. 16 Q. Where were you born? 17 A. Lowndes County. Well, Farmersville through 18 the -- what did they call it back then? 19 Housewife? Selma Hospital is where I was 20 taken. I was born at home. 21 Q. With a midwife? 22 A. Midwife, yeah. 23 Q. Okay. I got you.</p>	<p>1 A. We never actually lived together. She was 2 in the service at the time. Never shared a 3 residence. 4 Q. All right. Do you work now, sir? 5 A. No, sir. 6 Q. What was the last job that you held? 7 A. M & M Logging last -- I think I was laid 8 off January of last year. 9 Q. January of '06? 10 A. Yes, sir. 11 Q. How long did you work for them? 12 A. I think I was employed around August '05, 13 somewhere August '05. 14 Q. And worked with them until January of '06? 15 A. Yes, sir. 16 Q. What did you do for them? 17 A. I was a topper. Operate power saw. 18 Q. How much did you get paid there? 19 A. I was making \$10 an hour. 20 Q. Who was your supervisor? 21 A. David Matthews. 22 Q. Did you work prior to August of '05? 23 A. The last job before that was Alabama</p>
Page 10	Page 12
<p>1 Are you married? 2 A. No, sir. 3 Q. Have you ever been married? 4 A. Yes, sir. 5 Q. How many times have you been married? 6 A. Once. 7 Q. And who were you married to? 8 A. Stephanie Mallory. 9 Q. When were y'all married? 10 A. In '97. May, I think. 11 Q. How long did y'all stay married? 12 A. Well, the divorce hasn't been finalized. 13 Q. So technically you're still married to her; 14 is that right? 15 A. Yes. 16 Q. When did y'all file for divorce? 17 A. Well, she was in the service. She was 18 really supposed to be handling that. And I 19 haven't really been in contact with her 20 over the years. Just hasn't been 21 finalized. 22 Q. When was the last time that y'all lived 23 together?</p>	<p>1 Power. I got laid off in '04. 2 Q. Do you remember about what month that was? 3 A. January. 4 Q. January is not a good month for you, huh? 5 A. Well, you know, it was shutdown jobs. 6 Contract's up. Layoff time. 7 Q. How long did you work for Alabama Power? 8 A. I started December the previous year. That 9 would be '03, December '03. 10 Q. So that was only about a two-month temp 11 job? Is that about right? 12 A. Somewhere around there. I caught the end 13 part of the contract. I worked through my 14 uncle. He was the supervisor. 15 Q. Who was your uncle? 16 A. Curtis Marshall. 17 Q. Prior to December of '03, when was the last 18 time that you worked? 19 A. I have to say it would have to be Big Lots 20 in Montgomery. I think that's what ... 21 Q. When did you start working for Big Lots? 22 A. I would say September of '99. 23 Q. And you worked for them until when?</p>

Page 13

1 A. I want to say November -- I think it was
 2 November 2000, somewhere along in there.
 3 Q. What did you do for Big Lots?
 4 A. Forklift operator.
 5 Q. Forklift operator?
 6 A. Yeah.
 7 Q. And what did you do for Alabama Power? Let
 8 me go back to that.
 9 A. I was a cement finisher helper. Mixed
 10 mortar, poured concrete.
 11 Q. And what did you get paid when you were at
 12 Alabama Power?
 13 A. I was making 15.50, something like that.
 14 Q. What was your rate of pay at Big Lots?
 15 A. Start pay was 7.50 and end off at like \$10.
 16 Q. Have you ever owned your own business?
 17 A. No, sir.
 18 Q. Never been self-employed?
 19 A. Not really. Well, I contract barber, a
 20 trade of mine, hair cutting. But I never
 21 owned my own business.
 22 Q. When did you do that?
 23 A. '93 out of high school a couple of years

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1 off and on.
 2 Q. Did you graduate from high school?
 3 A. Yes, sir.
 4 Q. What high school did you graduate from?
 5 A. Central High, Hayneville.
 6 Q. What year did you graduate?
 7 A. '92.
 8 Q. Have you ever attended a college?
 9 A. Briefly J.P. Tech for barbering. But I
 10 found out I have to have a license to cut
 11 hair. Went straight to the barber shop.
 12 Q. And that was here in Montgomery; right?
 13 A. Yeah.
 14 Q. When did you attend J.P. Tech?
 15 A. I think it was '93.
 16 Q. Any other college or trade school that you
 17 have?
 18 A. No, sir.
 19 Q. Now, you live at 64 Youngblood Road in
 20 Farmersville; is that right?
 21 A. Yes, sir.
 22 Q. And how long did you tell me that you've
 23 lived there? You said you've lived in

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1 Lowndes County pretty much all your life.
 2 How long have you lived at that address?
 3 A. That's my mother's address. Most all my
 4 life I stayed next door with my grandmother
 5 most of my life until I moved out with a
 6 friend or two.
 7 Q. Where were you living in 2005?
 8 A. Still Lowndes County off of Highway 21 with
 9 a friend.
 10 Q. The whole year?
 11 A. Yeah. Yeah.
 12 Q. What's the address at your grandmother's
 13 house that you said is next door?
 14 A. It's probably going to be -- Probably --
 15 I'm not sure. The address has changed. It
 16 used to be Route 2, Box 140, but I'm not
 17 sure. I'm not sure right now. I know
 18 that's the old address, Route 2, Box 140.
 19 Q. Do you have any children, Mr. Marshall?
 20 A. Yes.
 21 Q. How many children do you have?
 22 A. Two boys.
 23 Q. Are any of them 19 or older?

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1 A. No, sir.
 2 Q. Do you have a lot of relatives in Lowndes
 3 County?
 4 A. Fairly, but not a lot. Close relatives.
 5 MR. WILFORD: Jay, can we get a
 6 stipulation, just for the
 7 venire information, that he'll
 8 give us a list of relatives in
 9 the middle district?
 10 MR. LEWIS: Sure.
 11 MR. WILFORD: That will save us
 12 some time.
 13 Q. Are you a member of a trade union?
 14 A. No, sir.
 15 Q. Do you go to church?
 16 A. I used to. I haven't been in a while.
 17 Q. When you went to church, what church did
 18 you attend?
 19 A. First Baptist in Farmersville.
 20 Q. Are you a member of any social
 21 organizations like, you know, Elks, VFW,
 22 anything like that?
 23 A. No, sir.

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1 Q. Other than this lawsuit that we're here on
 2 today, have you ever been a party in any
 3 other lawsuit either as a plaintiff or a
 4 defendant?
 5 A. No, sir.
 6 Q. So this is your first one?
 7 A. Yes.
 8 Q. We had asked you in the interrogatories if
 9 you had ever been arrested before, and you
 10 gave us three arrests; one in April 25th --
 11 25 of '97 in Butler County, the second one
 12 was the one that we're here -- I'm sorry --
 13 the second one was in '98 in Tuscaloosa,
 14 and the third one was the one that we're on
 15 here today. Do you have any other arrests
 16 besides those?
 17 A. No, sir.
 18 (Defendant's Exhibit 1 was marked
 19 for identification.)
 20 Q. Let me show you what I'm going to mark as
 21 Defendant's Exhibit 1. Let me give you
 22 just a minute to take a look at that,
 23 Mr. Marshall.

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1 (Brief pause.)
 2 Q. Have you had a chance to take a look at
 3 that?
 4 A. Yeah.
 5 Q. Does that refresh your recollection as to
 6 any other arrests you might have had?
 7 A. Yeah. I forgot about that. Seat belt,
 8 whatever it was. I think it was June -- I
 9 want to say June.
 10 Q. June of this year?
 11 A. Yeah.
 12 Q. Were you actually incarcerated as a result
 13 of that arrest? Put in jail?
 14 A. Yeah. I was taken in for three days, but I
 15 got a chance to talk to the judge. It was
 16 a miss -- following the incident we're here
 17 now on. They suspended my license for a
 18 ticket that I already sat out while I was
 19 in there. She took the ticket up plus the
 20 ticket that they wrote me that day and
 21 released me.
 22 Q. So you spent two days in jail on this
 23 charge and then the judge dismissed all the

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1 charges?
 2 A. Yes.
 3 Q. Is that what you're telling me?
 4 A. Yeah.
 5 Q. Do you remember who it was that arrested
 6 you on this June of '07 arrest?
 7 A. The officer -- my first time seeing him.
 8 But they did call Shawn Hutson up. When
 9 they ran my name, he was the first officer
 10 pulled up. So they pulled him up and they
 11 took me in.
 12 Q. Oh, you're saying Shawn Hutson came to
 13 the --
 14 A. Yes, sir.
 15 Q. -- to the stop?
 16 A. Yep.
 17 Q. But he wasn't the one who originally pulled
 18 you over; correct?
 19 A. He didn't pull me over.
 20 Q. Do you remember what department that
 21 officer might have worked from, the one who
 22 originally pulled you over?
 23 A. Oh, it was Lowndes County.

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1 Q. Was it the DTF?
 2 A. Just a regular city cop, whatever.
 3 Q. City or county?
 4 A. County, city. I mean, I don't exactly know
 5 which one it was.
 6 Q. Do you remember what color uniform the
 7 officer wore?
 8 A. I want to say dark-colored, dark-colored
 9 uniforms. May be county. In a white
 10 vehicle.
 11 Q. All right. Other than this one and the
 12 three that you told us about in the
 13 interrogatories, any other arrests?
 14 A. No.
 15 Q. On the first arrest in April of '97, did
 16 you have to spend any time in jail on that
 17 one?
 18 A. '97, yeah.
 19 Q. How long did you spend in jail on that one?
 20 A. Approximately two or three weeks before the
 21 charge was dropped.
 22 Q. Do you know why the charges were dismissed?
 23 A. Yeah. It was bogus charges. It was a

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1 misunderstanding between me and my kids'
 2 mom. She went down there to make false
 3 statements about a vehicle we purchased
 4 together, and two or three weeks later she
 5 came to an agreement and dropped the
 6 charge.
 7 Q. You say your kids' mom. Is that the lady
 8 that you're currently married to?
 9 A. No, sir.
 10 Q. What was that lady's name?
 11 A. Which one?
 12 Q. The mother of your children.
 13 A. Shavonne Bailey.
 14 Q. Do you know where she lives now?
 15 A. Tuscaloosa.
 16 Q. Was she the one that was involved in the
 17 arrest in Tuscaloosa in '98?
 18 A. Yes, sir.
 19 Q. Do you have an address on Ms. Bailey?
 20 A. Not off the top of my head, but I have it.
 21 I have an address, but I don't know it by
 22 heart.
 23 Q. Do you know her phone number?

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1 A. I don't know it by heart either.
 2 Q. When was the last time you talked to her?
 3 A. Last month.
 4 Q. Did you spend any time in jail in
 5 Tuscaloosa?
 6 A. Overnight.
 7 Q. Just overnight?
 8 A. Yeah.
 9 Q. That was in Tuscaloosa City Jail?
 10 A. Yeah.
 11 Q. Or the county jail?
 12 A. I'm not sure. I'd have to look at the
 13 paper and see. It's been a while.
 14 Q. The arrest in Butler County, were you in
 15 the Butler County Jail? It says you were
 16 arrested by the Butler City Police
 17 Department.
 18 A. Well, they only have one jail. I don't
 19 know whether it's under the city or the
 20 county. It's the only one they have --
 21 still have.
 22 Q. All right. And you've been in the Lowndes
 23 County jail twice; is that correct?

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1 A. Yes, sir.
 2 Q. Any other times that you've been in jail
 3 that we haven't talked about?
 4 A. No, sir.
 5 Q. Have you ever been treated for alcohol or
 6 drug addiction?
 7 A. No, sir.
 8 Q. Ever been treated for mental illness?
 9 A. No, sir.
 10 Q. All right. Let me draw your attention to
 11 the day that this incident that this
 12 lawsuit is about occurred. Would you agree
 13 with me that that was June 28th of 2005?
 14 A. I would agree.
 15 Q. Do you recall what day of the week that
 16 was?
 17 A. I think it was Tuesday.
 18 Q. You weren't employed on June 28th of '05,
 19 were you?
 20 A. No, sir.
 21 Q. What did you have to do that day, if
 22 anything?
 23 A. Early that morning I went to my aunt's

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1 house and we pulled the motor and
 2 transmission out of a vehicle.
 3 Q. You said we. Who is we?
 4 A. Me and Kevin and two more cousins.
 5 Q. Kevin Carmichael?
 6 A. Yes, sir.
 7 Q. Who were the other two cousins?
 8 A. Darrell Howard, Charles Howard.
 9 Q. And you said you were pulling a motor out
 10 of a car?
 11 A. Yeah.
 12 Q. Was it your aunt's car?
 13 A. No. It was my cousin's car.
 14 Q. Were you being paid to do that?
 15 A. No.
 16 Q. What time did you get up to go pull that
 17 motor?
 18 A. Probably about eight o'clock.
 19 Q. Did you have anything to eat when you woke
 20 up?
 21 A. No, sir.
 22 Q. Just went straight over there and started
 23 working on a motor?

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<p>1 A. (Witness nods head).</p> <p>2 Q. Did y'all eat anything while you were over</p> <p>3 there?</p> <p>4 A. No, sir.</p> <p>5 Q. Did you have anything alcoholic to drink</p> <p>6 while y'all were working on that motor?</p> <p>7 A. No, sir.</p> <p>8 Q. Take any drugs that day?</p> <p>9 A. No, sir.</p> <p>10 Q. Prescription drugs?</p> <p>11 A. No drugs.</p> <p>12 Q. Where is your aunt's house at?</p> <p>13 A. It's in Farmersville also.</p> <p>14 Q. What's the address there?</p> <p>15 A. I don't know the address right off the top</p> <p>16 of my head.</p> <p>17 Q. How far is it from your house?</p> <p>18 A. Approximately a mile.</p> <p>19 Q. So did you get that motor out that day?</p> <p>20 A. Yes, sir.</p> <p>21 Q. How were you dressed?</p> <p>22 A. T-shirt and shorts.</p> <p>23 Q. Pretty hot that day?</p>	<p>1 A. They was at their house where we took it</p> <p>2 out. That's his mother.</p> <p>3 Q. So they didn't go anywhere?</p> <p>4 A. They were home already.</p> <p>5 Q. Did you have any plans for the rest of the</p> <p>6 day other than just going home?</p> <p>7 A. No plans.</p> <p>8 Q. Was there anybody in the car with you when</p> <p>9 you went home?</p> <p>10 A. Kevin Carmichael.</p> <p>11 Q. Did you stop anywhere between your aunt's</p> <p>12 house and where your encounter with the</p> <p>13 defendants began?</p> <p>14 A. No, sir.</p> <p>15 Q. Can you describe for me the vehicle that</p> <p>16 you were in?</p> <p>17 A. 1971 blue Nova.</p> <p>18 Q. '71?</p> <p>19 A. Yes, sir.</p> <p>20 Q. That's a Chevrolet; right?</p> <p>21 A. Yes.</p> <p>22 Q. Was that your car?</p> <p>23 A. Yes.</p>
Page 26	Page 28
<p>1 A. Yeah. It was a pretty hot summer. It was</p> <p>2 warm that day.</p> <p>3 Q. How long did it take y'all to get that</p> <p>4 motor out?</p> <p>5 A. I think we finished up sometime between</p> <p>6 11:30 -- sometime before noon.</p> <p>7 Q. What were you going to do after that?</p> <p>8 A. Go home and take a bath and get some rest.</p> <p>9 Q. And was that -- When you say going home,</p> <p>10 was that the 64 Youngblood Road address?</p> <p>11 A. No. That's the residence off of 21 where I</p> <p>12 was residing at the time.</p> <p>13 Q. Off of Highway 21?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Is that on County Road 7?</p> <p>16 A. Off of County Road 7, right off of the</p> <p>17 State Highway 21.</p> <p>18 Q. Is that at the intersection of County Road</p> <p>19 7 and Highway 21?</p> <p>20 A. Yeah.</p> <p>21 Q. Where did Mr. Howard -- well, the two</p> <p>22 Mr. Howards, Darrell and Charles, go after</p> <p>23 y'all got done with that engine?</p>	<p>1 Q. How long had you had that car?</p> <p>2 A. I think I purchased it in July of '04.</p> <p>3 (Defendant's Exhibit 2 was marked</p> <p>4 for identification.)</p> <p>5 Q. Let me show you what we'll mark as</p> <p>6 Defendant's Exhibit 2 after your attorneys</p> <p>7 get a chance to look at it. Is that your</p> <p>8 car?</p> <p>9 A. That's my car.</p> <p>10 Q. That's in Defendant's Exhibit 2?</p> <p>11 A. That's it.</p> <p>12 Q. Who all besides you had access to that car?</p> <p>13 A. No one.</p> <p>14 Q. So you had the only set of keys; correct?</p> <p>15 A. That's correct.</p> <p>16 Q. Had you loaned it to anyone recently?</p> <p>17 A. No, sir.</p> <p>18 Q. I'm sorry?</p> <p>19 A. No, sir.</p> <p>20 Q. Was that car equipped with seat belts?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Were you wearing your seat belt that day?</p> <p>23 A. No, sir.</p>

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<p>1 Q. What about Kevin, was he wearing his?</p> <p>2 A. No.</p> <p>3 Q. Was there any alcohol in that car?</p> <p>4 A. No, sir.</p> <p>5 (Defendant's Exhibit 3 was marked</p> <p>6 for identification.)</p> <p>7 Q. Let me show you what we're going to mark as</p> <p>8 Defendant's Exhibit 3. Let me ask you,</p> <p>9 does that look like the front seat of your</p> <p>10 car on June 28th, 2005, Defendant's Exhibit</p> <p>11 3?</p> <p>12 A. That's it.</p> <p>13 Q. Fairly and accurately depict what was on</p> <p>14 the front seat of your car that day?</p> <p>15 A. Yes, sir.</p> <p>16 Q. What was in that flask that's there on the</p> <p>17 seat next to the gun?</p> <p>18 A. At one time it had contained alcohol, but</p> <p>19 it was no alcohol in it that day.</p> <p>20 Q. Well, what was in it when it was -- What</p> <p>21 was the alcohol that was in there?</p> <p>22 A. Vodka.</p> <p>23 Q. When did you drink that -- or did you --</p>	<p>1 and his books. And I give him a ride home</p> <p>2 right before dark. It started raining even</p> <p>3 harder before we got there. When I pulled</p> <p>4 up in his driveway, he jumped out of the</p> <p>5 car and left the gun.</p> <p>6 Q. How long ago before -- Let me back up and</p> <p>7 regroup. How long before June 28th, 2005</p> <p>8 did you give Mr. McWilliams a ride?</p> <p>9 A. Approximately three or four days earlier</p> <p>10 than that.</p> <p>11 Q. Where does Mr. McWilliams live?</p> <p>12 A. Right off of Highway 21.</p> <p>13 Q. Do you know the address?</p> <p>14 A. Not right offhand.</p> <p>15 Q. How far is it from your house?</p> <p>16 A. Approximately three or four miles.</p> <p>17 (Defendant's Exhibit 4 was marked</p> <p>18 for identification.)</p> <p>19 Q. Let me show you what we'll mark as</p> <p>20 Defendant's Exhibit 4. Does that look like</p> <p>21 the ashtray that was in your Nova?</p> <p>22 A. It is.</p> <p>23 Q. And you can see in there there's some</p>
Page 30	Page 32
<p>1 let me back up. Did you drink that?</p> <p>2 A. It's been in there for some while.</p> <p>3 Probably a week prior when I had a drink.</p> <p>4 Q. So you had emptied it about a week prior;</p> <p>5 is that right?</p> <p>6 A. Yeah.</p> <p>7 Q. Now, Defendant's Exhibit 3 also has a gun</p> <p>8 in that picture; correct?</p> <p>9 A. Uh-huh (positive response).</p> <p>10 Q. Was that your gun?</p> <p>11 A. No, sir.</p> <p>12 Q. But you knew it was in the car that day;</p> <p>13 right?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Whose gun is it?</p> <p>16 A. It belongs to D.C. McWilliams.</p> <p>17 Q. Who is D.C. McWilliams?</p> <p>18 A. A friend of mine.</p> <p>19 Q. How did it get in the car?</p> <p>20 A. Well, he left it in there. One day I give</p> <p>21 him a ride when he was having car trouble.</p> <p>22 It was starting to rain. He came along and</p> <p>23 said he wanted to go back and get his gun</p>	<p>1 bullets in there; right?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Why were those bullets in your ashtray?</p> <p>4 A. Like I said, he left the box of bullets in</p> <p>5 there which had got wet from the rain. The</p> <p>6 box was deteriorating, therefore tearing</p> <p>7 up. So I took the bullets, put them in the</p> <p>8 ashtray. And there probably was some on</p> <p>9 the seat also because all of them couldn't</p> <p>10 fit in there.</p> <p>11 Q. If you look back at Defendant's 3,</p> <p>12 I believe it is, I think you're right.</p> <p>13 There is a bullet lying there on the seat,</p> <p>14 isn't there?</p> <p>15 A. Yeah.</p> <p>16 Q. So he left the gun and a box of bullets in</p> <p>17 your car?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And he left it there for three to four</p> <p>20 days?</p> <p>21 A. That's approximately how long it was.</p> <p>22 Q. Had he tried to get ahold of you to get his</p> <p>23 gun and his bullets back prior to that</p>

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<p>1 time?</p> <p>2 A. He may have, but I was in and out of my</p> <p>3 residence probably and missed him. I even</p> <p>4 called him, but I couldn't get up with him.</p> <p>5 Q. Does Mr. McWilliams still live there off</p> <p>6 Highway 21?</p> <p>7 A. I'm certain he does.</p> <p>8 Q. Did you have a concealed weapon permit?</p> <p>9 A. No, sir.</p> <p>10 Q. Had you ever had a concealed weapon permit?</p> <p>11 A. No, sir.</p> <p>12 Q. How much money did you have on you that</p> <p>13 day?</p> <p>14 A. 500.</p> <p>15 Q. Exactly 500?</p> <p>16 A. Yes, sir.</p> <p>17 Q. In what denomination were the bills?</p> <p>18 A. I know two \$100 bills and the rest were</p> <p>19 twenties.</p> <p>20 Q. Where did that money come from?</p> <p>21 A. I previously was drawing unemployment when</p> <p>22 I got laid off from one job and I saved</p> <p>23 money. And during that time I was having a</p>	<p>1 Q. Did you report those winnings on your</p> <p>2 income tax?</p> <p>3 A. I took a waiver out -- tax waiver out each</p> <p>4 time.</p> <p>5 Q. Tax waiver. You have to explain that to me</p> <p>6 because I'm not a gambler.</p> <p>7 A. When you have to sign to have your taxes</p> <p>8 taken out of winnings to report your W-2s</p> <p>9 from the casino.</p> <p>10 Q. Right. Okay. But when you filed your</p> <p>11 income tax at the end of the year, did you</p> <p>12 report that income?</p> <p>13 A. I haven't filed but once since '05. I</p> <p>14 think child support ended up being on</p> <p>15 that. I'm not sure if I had it in there or</p> <p>16 not.</p> <p>17 Q. Where was that money at?</p> <p>18 A. What money?</p> <p>19 Q. The \$500 that we're talking about. That's</p> <p>20 a good point. When I ask a bad question,</p> <p>21 you go right ahead and ask me to clarify.</p> <p>22 I'm talking about the \$500 now. Where did</p> <p>23 you have that at?</p>
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<p>1 fairly decent streak at the gambling</p> <p>2 casinos. During the time I won a</p> <p>3 substantial amount of money.</p> <p>4 Q. Which casino?</p> <p>5 A. White Hall Gaming Casino. Also Biloxi,</p> <p>6 Mississippi I won some money.</p> <p>7 Q. Which casino in Biloxi?</p> <p>8 A. I'm not sure right offhand. I'd have to</p> <p>9 check receipts or something. I don't want</p> <p>10 to say the wrong one.</p> <p>11 Q. When did you win that money?</p> <p>12 A. I won the money in Mississippi in '04. The</p> <p>13 month I'm not exactly -- I'm not sure of</p> <p>14 the month. I won money in White Hall in</p> <p>15 '05, March.</p> <p>16 Q. Well, how much did you win in Biloxi?</p> <p>17 A. About 1600.</p> <p>18 Q. And how much at White Hall?</p> <p>19 A. 3600.</p> <p>20 Q. And you're saying that this money was</p> <p>21 left -- what was left of your winnings? Am</p> <p>22 I understanding you correctly?</p> <p>23 A. Yeah.</p>	<p>1 A. In my short right-hand pocket.</p> <p>2 Q. Was it in a wallet, or how were you</p> <p>3 carrying it?</p> <p>4 A. Just together folded.</p> <p>5 Q. When was the first time that you remember</p> <p>6 seeing the two officers that you ran into</p> <p>7 later that day?</p> <p>8 A. The first time that I seen two unknown</p> <p>9 persons was on County Road 7 immediately</p> <p>10 coming from my aunt's house.</p> <p>11 Q. That's good. Let's back up and regroup on</p> <p>12 that just a minute. Did you turn off of</p> <p>13 Highway 21 going down County Road 7 to your</p> <p>14 house?</p> <p>15 A. I turned off of Highway 16 onto County Road</p> <p>16 7 where I met the officers.</p> <p>17 (Defendant's Exhibit 5 was marked</p> <p>18 for identification.)</p> <p>19 Q. Just so I'm clear, I'm going to show you</p> <p>20 what we're going to mark as Defendant's</p> <p>21 Exhibit 5, which I'll tell you is just a</p> <p>22 little map that I got off the Internet of</p> <p>23 the area. Kind of centered in it is County</p>

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Road 7 and Highway 21 and we'll just kind of refer to that. Now, you said you came off -- was it County Road 16 and onto -- I'm sorry. Let me move all this stuff out of your way. I don't see County Road 16 on that map, and I might not have it zoomed in in enough detail.

- A. Well, it's -- the road coming from Farmersville I think leads to be County Road 16 and then you make a right on County Road 7.
- Q. There's Farmersville right there. So does County Road 16 kind of come --
- A. Yeah. And you make a right onto County Road 7. Then you make another right on Highway 21.
- Q. I tell you what. Let me give you my pen here and if you would just kind of draw a little line there from that dot under Farmersville. Just your best guess at how County Road 16 goes into County Road 7.
- A. It would have to be coming from this direction and make a right on County Road

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- 1 that.
- 2 A. (Witness complies).
- 3 Q. All right. So make sure I understand what
- 4 you're telling me. You left Farmersville
- 5 where your aunt's house was?
- 6 A. Yes, sir.
- 7 Q. Traveled down County Road 16?
- 8 A. Uh-huh (positive response).
- 9 Q. Took a right on County Road 7 from County
- 10 Road 16?
- 11 A. (Witness nods head).
- 12 Q. Where did you first see who you later
- 13 learned to be the defendants in this case?
- 14 A. Approximately a quarter mile after turning
- 15 on County Road 7 I met a dark-colored
- 16 Lincoln Town Car, who I first thought was a
- 17 drunken driver or something that slowed
- 18 down, hit the brakes hard. And I didn't
- 19 know who it was, so I kept driving.
- 20 Q. Okay. There's a whole bunch of things I
- 21 need to ask you about there. You said it
- 22 was a dark-colored Lincoln Town Car?
- 23 A. Yes, sir.

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- 7.
- Q. Just draw that to where it intersects into County Road 7. Just make your line go into County Road 7.
- A. (Witness complies).
- Q. There we go. That's good. And if you would, just put a 16 under that so we'll know what we're talking about.
- A. (Witness complies).
- Q. All right. Now, if you would on here just put a little X about where your house was back in June of '05.
- A. The residence where I was going to?
- Q. Yes, sir.
- A. Well, it's off of Highway 21. Braggs. This is 263 exit. I stayed approximately a mile or two, three miles from the 263 exit. So I would have to say somewhere in here approximately.
- Q. Can you put a little bit larger X so when we copy that?
- A. (Witness complies).
- Q. And if you would, just write home under

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- 1 Q. Had you ever seen that car before?
- 2 A. No, sir.
- 3 Q. Did it have any distinguishing features on
- 4 it, like a license plate on the front or
- 5 anything that stood out in your mind?
- 6 A. Didn't even pay it no attention. Wasn't
- 7 registering in my mind. Just another
- 8 vehicle.
- 9 Q. Had you passed any vehicles on County Road
- 10 7 prior to seeing that dark-colored
- 11 Lincoln?
- 12 A. No, sir. That's the first vehicle I saw.
- 13 Q. Had you passed any on County Road 16?
- 14 A. No, sir.
- 15 Q. So you're all alone on a road there?
- 16 A. Yes, sir.
- 17 Q. All right. You also said that you thought
- 18 it was a drunk driver. What made you think
- 19 it was a drunk driver?
- 20 A. Because immediately upon meeting the car
- 21 the car slammed on brakes and took a nose
- 22 dive, and I thought that to be strange at
- 23 the time. Looked in my rear view mirror,

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<p>1 saw that the car was veering off to the</p> <p>2 side of the road. So I thought maybe they</p> <p>3 had a flat or something, so I kept driving.</p> <p>4 Q. You didn't see it swerving in the road as</p> <p>5 it was coming towards you; right?</p> <p>6 A. No, sir.</p> <p>7 Q. So the only thing that made you think it</p> <p>8 was a drunk driver was it slammed on the</p> <p>9 brakes and then veered off the road?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Did you get a look at who was in the</p> <p>12 vehicle as it went by you?</p> <p>13 A. No, sir.</p> <p>14 Q. County Road 7 where you encountered this</p> <p>15 dark-colored Lincoln, is that a two-lane</p> <p>16 road?</p> <p>17 A. It's a small rural road, one lane.</p> <p>18 Q. One lane in each direction?</p> <p>19 A. Yeah. One lane in each direction.</p> <p>20 Q. Did you see any kind of blue lights on the</p> <p>21 vehicle when it went by you?</p> <p>22 A. There was no lights.</p> <p>23 Q. When you say no lights, no blue lights?</p>	<p>1 of him.</p> <p>2 Q. Did you know he worked with the drug task</p> <p>3 force?</p> <p>4 A. No, sir.</p> <p>5 Q. Other than slamming on the brakes and</p> <p>6 veering off the road, did they do anything</p> <p>7 else unusual?</p> <p>8 A. That's all I know is right then.</p> <p>9 Q. You say right then. Did they do anything</p> <p>10 else after that?</p> <p>11 A. Yeah. Next thing I know is they was upside</p> <p>12 my car.</p> <p>13 Q. So from the time -- Let me make sure I got</p> <p>14 your testimony right. From the time you</p> <p>15 saw them slam on brakes and veer off the</p> <p>16 road until they were next to you, you</p> <p>17 didn't see them. Is that what you're</p> <p>18 telling me?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Were there any cars coming behind that</p> <p>21 Lincoln that you saw?</p> <p>22 A. No, sir.</p> <p>23 Q. Okay. Now, you said they came alongside of</p>
Page 42	Page 44
<p>1 A. Right.</p> <p>2 Q. It had headlights; right?</p> <p>3 A. I'm certain it did.</p> <p>4 Q. Had you ever seen Chris West before that</p> <p>5 day?</p> <p>6 A. No, sir.</p> <p>7 Q. How about LaShun Hutson, had you ever seen</p> <p>8 him before that day?</p> <p>9 A. No, sir.</p> <p>10 Q. Did you know of them?</p> <p>11 A. I never know of Shawn Hutson, but I have</p> <p>12 heard Chris West's name.</p> <p>13 Q. You'd heard Chris West's name prior to the</p> <p>14 28th of June of '05?</p> <p>15 A. Yes, sir.</p> <p>16 Q. What did you know about Chris West prior to</p> <p>17 June 28 of '05?</p> <p>18 A. Only that he was a law enforcement officer.</p> <p>19 Q. Do you remember who you heard that from or</p> <p>20 how you heard it?</p> <p>21 A. No, sir. Just open conversation.</p> <p>22 Q. Do you know who might have told you that?</p> <p>23 A. No one told me. Just heard it. Just heard</p>	<p>1 you. How did they do that? Describe that</p> <p>2 for me.</p> <p>3 A. After seeing the car slam on brakes and,</p> <p>4 like I said, I looked in my back mirror and</p> <p>5 saw them veer off. I kept driving. Didn't</p> <p>6 know what was happening. Approximately 30</p> <p>7 seconds to a minute later they had pulled</p> <p>8 up beside me in the passing lane. All I</p> <p>9 saw was two black males in black T-shirts</p> <p>10 trying to flag me to pull over on first</p> <p>11 glance.</p> <p>12 Q. You said trying to flag you. What were</p> <p>13 they doing?</p> <p>14 A. I just seen the hand signal (indicating)</p> <p>15 and pull over.</p> <p>16 Q. Was there anything -- Let me back up. Who</p> <p>17 was doing the hand signal? Was it the</p> <p>18 passenger or the driver?</p> <p>19 A. Passenger.</p> <p>20 Q. And just kind of describe what you did a</p> <p>21 second ago. For the record you were using</p> <p>22 your right hand and kind of pushing at</p> <p>23 shoulder level off to the side?</p>

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1 A. Yes, sir.
 2 Q. Did you later learn who the passenger was
 3 that was giving you the hand signal?
 4 A. I believe it was Shawn Hutson.
 5 Q. So Chris West was driving; is that right?
 6 A. I think he was. Had to be.
 7 Q. Was there anybody else in the car besides
 8 those two?
 9 A. No, sir.
 10 Q. Was your window up or down in your car?
 11 A. Down.
 12 Q. Does the air conditioning work in that car?
 13 A. No, sir.
 14 Q. So you had 2 by 55 air conditioning?
 15 A. I mean, wind?
 16 Q. Yeah.
 17 A. Yeah. That's it.
 18 Q. And I'm just going to start referring to
 19 them by name now. We know that based on
 20 your testimony Shawn was the passenger and
 21 Chris was the driver. Did Shawn say
 22 anything to you when he was initially
 23 giving you that hand signal?

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1 A. I really couldn't hear if he had said
 2 anything anyway. As you can see in my
 3 trunk, I had amplifiers and music that was
 4 blasting during the time. I was driving
 5 35, 40 miles per hour. All I could really
 6 see was a hand signal.
 7 Q. Well, did it look like he was trying to say
 8 something?
 9 A. I can't recollect. I can't say that
 10 because it happened so quick. Just a brief
 11 glance and that's all I looked over there.
 12 Q. Let me back up and ask you something here.
 13 In paragraph 16 of your amended complaint
 14 you alleged that you've been robbed
 15 before.
 16 A. Yes, sir.
 17 Q. How many times had you been robbed before?
 18 A. Once.
 19 Q. When was that?
 20 A. August '03.
 21 Q. Where was it?
 22 A. In Montgomery.
 23 Q. What happened?

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1 A. I was at the hotel, Peddler's Inn, and I
 2 had a guy pull a gun on me and demanded
 3 money.
 4 Q. Were you in a car or were you just
 5 walking? Where were you?
 6 A. Coming out my room -- hotel room.
 7 Q. Did he get any money off of you?
 8 A. He took some money.
 9 Q. Did you report it to the police?
 10 A. Yeah. I went in for questioning and made a
 11 statement.
 12 Q. Did they ever catch the guy who did it?
 13 A. Yes.
 14 Q. What was his name?
 15 A. I want to say Jerome Titus.
 16 Q. What happened with Mr. Titus?
 17 A. I guess they prosecuted him or whatever. I
 18 don't know the full extent.
 19 Q. Did you ever have to testify at trial?
 20 A. No. I got a letter from the DA, Ellen
 21 Brooks, saying it wasn't enough evidence or
 22 something. I don't know. It was
 23 dismissed.

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1 Q. So he wasn't convicted?
 2 A. Not to my knowledge.
 3 Q. All right. So that was the only time that
 4 you were robbed previously?
 5 A. Yes, sir.
 6 Q. Have you been robbed since?
 7 A. No, sir.
 8 Q. All right. So we got to the point where
 9 their car -- are they about even with you
 10 going down County Road 7?
 11 A. Yeah. They pulled right up beside me.
 12 Q. Going about 35, 40 miles an hour; is that
 13 right?
 14 A. Yeah. I wasn't driving fast.
 15 Q. What's the speed limit there?
 16 A. Approximately 45, 50 maybe, anywhere in
 17 that range.
 18 Q. About how long did they stay alongside of
 19 you like that?
 20 A. Approximately 10 seconds.
 21 Q. What did they do after that 10 seconds?
 22 A. They veered behind me and trailed me out to
 23 Highway 21.

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<p>1 Q. Did they try to come up alongside of you</p> <p>2 again prior to getting to Highway 21?</p> <p>3 A. No, sir.</p> <p>4 Q. Did you look at them in your rear view</p> <p>5 mirror?</p> <p>6 A. I took a glance in my rear view mirror and</p> <p>7 noticed that they was riding my bumper.</p> <p>8 Q. Did you see a blue light at that time?</p> <p>9 A. There was no blue light.</p> <p>10 Q. Could you see what the two occupants of the</p> <p>11 car were doing in your rear view mirror?</p> <p>12 A. No, sir. I didn't glance. Just quick</p> <p>13 glance to see that they was still behind</p> <p>14 me.</p> <p>15 Q. Let me back up for just a second. When</p> <p>16 they were alongside of you here this first</p> <p>17 time, did you say anything to them?</p> <p>18 A. On first glance when they pulled up, yeah,</p> <p>19 I may have said -- asked them what they</p> <p>20 want, not in that nice a way, though.</p> <p>21 Q. Not in a nice way?</p> <p>22 A. Yeah. Not in a nice way.</p> <p>23 Q. Can you tell me exactly what you said?</p>	<p>1 A. I turned right. Turned going toward my</p> <p>2 residence.</p> <p>3 Q. Turned right going towards your house?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Which I guess on this map takes us back to</p> <p>6 the west; is that right? I think this is</p> <p>7 west over here on the left-hand side.</p> <p>8 A. I don't know if it's west or not. All I</p> <p>9 knew --</p> <p>10 Q. Kind of southwest really?</p> <p>11 A. I turned right on Highway 21.</p> <p>12 Q. We'll go with that. You turned right on</p> <p>13 Highway 21 heading towards your house. Is</p> <p>14 there a stop sign there at 7 and 21?</p> <p>15 A. Caution light, yield sign.</p> <p>16 Q. A yield sign?</p> <p>17 A. Uh-huh (positive response).</p> <p>18 Q. Was there any traffic coming on Highway 21?</p> <p>19 A. No, sir. I didn't see any traffic.</p> <p>20 Q. Either way?</p> <p>21 A. No, sir.</p> <p>22 Q. What is Highway 21? Is it another</p> <p>23 two-lane, one lane each way, or is it</p>
Page 50	Page 52
<p>1 A. What the fuck y'all want.</p> <p>2 Q. Did you think to turn the stereo down?</p> <p>3 A. No. Because it was my first understanding</p> <p>4 that it was somebody trying to rob me and</p> <p>5 I'm not going to be courteous to them.</p> <p>6 Q. So you couldn't hear what they were saying</p> <p>7 to you; right?</p> <p>8 A. No, sir.</p> <p>9 Q. And you asked them what you asked them?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And the stereo is still going the whole</p> <p>12 time?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Did it look like either one of them</p> <p>15 responded when you asked them that question?</p> <p>16 A. No, sir.</p> <p>17 Q. Because you just glanced at them real</p> <p>18 quick; right?</p> <p>19 A. Yes, sir.</p> <p>20 Q. All right. They trailed you all the way up</p> <p>21 to Highway 21; correct?</p> <p>22 A. Yes, sir.</p> <p>23 Q. What did you do when you got to Highway 21?</p>	<p>1 four-lane?</p> <p>2 A. Two-lane, one lane each way. State</p> <p>3 highway.</p> <p>4 Q. Did you stop at the intersection of 7 and</p> <p>5 21?</p> <p>6 A. Brief caution, brake in the road at the</p> <p>7 yield sign and proceeded to go right toward</p> <p>8 my residence.</p> <p>9 Q. Kind of a rolling stop?</p> <p>10 A. Yeah. Rolling stop.</p> <p>11 Q. Wheels never really came to a complete</p> <p>12 rest?</p> <p>13 A. No, sir.</p> <p>14 Q. And you took the right going onto Highway</p> <p>15 21?</p> <p>16 A. Yes, sir.</p> <p>17 Q. What did the Lincoln do?</p> <p>18 A. Still behind me.</p> <p>19 Q. It followed you out on Highway 21?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Did you get a chance to look in your rear</p> <p>22 view mirror as you were going down 21?</p> <p>23 A. Well, right after turning on Highway 21 the</p>

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<p>1 vehicle pulled up beside me again.</p> <p>2 Q. So up again on the left-hand side of your</p> <p>3 vehicle coming in the oncoming traffic</p> <p>4 lane; is that right?</p> <p>5 A. Yes, sir.</p> <p>6 Q. How fast were you going at that time?</p> <p>7 A. Approximately 55, somewhere around there.</p> <p>8 Q. What's the speed limit on Highway 21?</p> <p>9 A. I'm quite sure it's 55.</p> <p>10 Q. And I should have asked you this before.</p> <p>11 The rest of the time that you were on</p> <p>12 County Road 7, did you stay going 35, 40</p> <p>13 miles an hour?</p> <p>14 A. Around 35, 40 miles an hour. Because they</p> <p>15 were bumper to bumper on me.</p> <p>16 Q. So you sped up a little bit?</p> <p>17 A. It was a wavy road, so I really didn't want</p> <p>18 to travel fast.</p> <p>19 Q. Well, you did speed up a little if you got</p> <p>20 up to 45; right?</p> <p>21 A. Well, like I said, I was driving around 35</p> <p>22 to 45 on County Road 7.</p> <p>23 Q. Well, were you trying to get them off your</p>	<p>1 Q. Did you see anything besides the weapon?</p> <p>2 A. No, sir. I just seen the right hand.</p> <p>3 Q. I'm sorry?</p> <p>4 A. I just saw his right hand gesturing and I</p> <p>5 just kept driving.</p> <p>6 Q. Is that the only hand he had in view?</p> <p>7 A. That's the only hand I saw.</p> <p>8 Q. Did he say anything to you?</p> <p>9 A. I didn't hear him say anything if he did</p> <p>10 for the music.</p> <p>11 Q. You still had the music going?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Could you tell that he was trying to say</p> <p>14 anything to you? Could you see his lips</p> <p>15 moving?</p> <p>16 A. I didn't have time to just lock on to what</p> <p>17 he was saying, lips moving, because I'm</p> <p>18 watching traffic and watch the incident.</p> <p>19 All I did is glance. When the car pulled</p> <p>20 up beside me, I glanced, put my eyes back</p> <p>21 on the highway and kept driving.</p> <p>22 Q. You just said watching traffic. Are there</p> <p>23 cars coming now?</p>
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<p>1 bumper at all?</p> <p>2 A. I wasn't trying to because I knew I</p> <p>3 couldn't. They was trailing my bumper.</p> <p>4 And like I said, it was a wavy road. I</p> <p>5 didn't want to hurt myself.</p> <p>6 Q. So you turned onto Highway 21 and they came</p> <p>7 up alongside of you. What happened when</p> <p>8 they came alongside of you?</p> <p>9 A. They came alongside me and I saw the same</p> <p>10 thing again, hand motion and I glanced and</p> <p>11 kept driving.</p> <p>12 Q. Was there anything in -- And you said the</p> <p>13 hand motion. Was that the passenger again,</p> <p>14 Shawn?</p> <p>15 A. Yes.</p> <p>16 Q. Could you see anything that Chris might be</p> <p>17 doing?</p> <p>18 A. I didn't have time to just lock in on him.</p> <p>19 Q. Did Shawn have anything in his hands this</p> <p>20 time when they pulled up alongside of you</p> <p>21 on 21?</p> <p>22 A. On second glance it appeared to be a weapon</p> <p>23 at a glance and kept driving.</p>	<p>1 A. No cars coming, but I'm looking for a car.</p> <p>2 Q. So still y'all are the only two vehicles on</p> <p>3 the road?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Describe that weapon that you saw for me.</p> <p>6 A. I can't describe it. All I know is I saw a</p> <p>7 weapon. I don't know what brand --</p> <p>8 Q. Was it a knife? A gun?</p> <p>9 A. A gun, yeah. A gun.</p> <p>10 Q. Was it black? Shiny?</p> <p>11 A. It was black.</p> <p>12 Q. Big gun? Little gun?</p> <p>13 A. I don't know. I can't lock in on the</p> <p>14 size. I glanced at the weapon I saw.</p> <p>15 Q. Was it pointed at you?</p> <p>16 A. I can't say that it was pointed at me. All</p> <p>17 I seen was a hand gesture going like to</p> <p>18 pull over or whatever.</p> <p>19 Q. He was gesturing with the gun?</p> <p>20 A. That's what I saw.</p> <p>21 Q. Did you say anything to him?</p> <p>22 A. I didn't say anything else. I was still</p> <p>23 just driving.</p>

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1 Q. While all this was going on up to this
2 point, what's Kevin doing?
3 A. Sitting in the seat asking me, Cuz, who is
4 this trying to run us off the road? I tell
5 him I don't know; looks like somebody
6 trying to rob us; I'm not going to stop.
7 He was scared.
8 Q. Well, I understand that you were driving
9 the vehicle. Was he watching them?
10 A. He wasn't watching them. He was just aware
11 of what was going on.
12 Q. Did he tell you at some point that the
13 police were behind you?
14 A. He didn't tell me that.
15 Q. He did not tell you that?
16 A. No, sir.
17 Q. Well, did he ever tell you to pull over at
18 any time?
19 A. He didn't tell me to pull over. He's
20 asking me who is this and what they trying
21 to do. He just said, it looked like
22 they're going to run us off the road and
23 kill us if we don't pull over.

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1 (Defendant's Exhibit 6 was marked
2 for identification.)
3 Q. Let me show you what we'll mark as
4 Defendant's Exhibit 6. Let me give you
5 just a minute to look at Defendant's
6 Exhibit 6.
7 (Brief pause.)
8 Q. Had you ever seen that document before
9 today, Mr. Marshall?
10 A. I have.
11 Q. When did you get a chance to see that
12 document?
13 A. When we turned the information over.
14 Q. Those initial disclosures; is that right?
15 A. Yeah.
16 Q. Now, this is a statement that Kevin gave to
17 the police that day. And in it he says
18 that he saw that it was the police and he
19 advised you to pull over. Is it your
20 testimony that he didn't tell you to pull
21 over?
22 A. He didn't tell me to pull over, because by
23 the time we both realized it was the police

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1 we already had been spun off the road
2 before we realized who it was.
3 Q. Now, you still had the music going pretty
4 good at that time?
5 A. The music was going until Chris West turned
6 it off.
7 Q. Is it possible that you just didn't hear
8 what Kevin was saying to you because of the
9 music?
10 A. It's possible.
11 Q. All right. How long did they stay up
12 alongside of you the second time?
13 A. Still approximately 10 seconds.
14 Q. Did you see a blue light this time?
15 A. I didn't see a light.
16 Q. Did you see a badge?
17 A. I didn't see a badge either.
18 Q. And you told me before that they were
19 wearing black T-shirts. Did those black
20 T-shirts have any writing on them?
21 A. Not that I can recollect. I just seen it
22 was black T-shirts.
23 Q. What did they do after that 10 seconds of

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1 being alongside of you?
2 A. Veered back behind me and trailed me
3 approximately another mile and a half or
4 two and they started to ram the vehicle.
5 Q. Between the time that they pulled back
6 behind you and as you described the ramming
7 started, did you get a chance to look in
8 your rear view mirror at them?
9 A. I didn't look in the mirror.
10 Q. You didn't look again?
11 A. (Witness shakes head).
12 Q. So you couldn't see anything that they were
13 doing back there?
14 A. I don't know what they was doing.
15 Q. Let me back up again to the second time
16 they were beside you. I might have asked
17 you this before. If I did, I apologize.
18 Did you say anything to the passenger that
19 second time?
20 A. No, sir.
21 Q. Make any motions to him?
22 A. I don't remember making any motions. I
23 just remember glancing at him and keep

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1 driving.
 2 Q. While all this was going on, where was this
 3 gun that's in Defendant's 3?
 4 A. Laying on the seat.
 5 Q. About where it is in Defendant's 3?
 6 A. Approximately somewhere.
 7 Q. Let me show it to you again. And is
 8 that -- you can see in the left-hand side,
 9 is that the steering wheel?
 10 A. Yes, sir.
 11 Q. So it's -- is it fair to say that it's
 12 fairly close to the driver?
 13 A. Yes, sir.
 14 Q. Was that gun just out in the open like
 15 that, or was it tucked up under you
 16 somehow? How was that gun?
 17 A. It was down between the seat.
 18 Q. What do you mean down between the seat?
 19 A. Approximately somewhere around here where
 20 it wouldn't be sliding. It was laying
 21 there.
 22 Q. You're pointing to the right-hand side what
 23 looks like seat belts. Are those seat

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1 belts there?
 2 A. Yeah.
 3 Q. Those little black things on the right-hand
 4 side?
 5 A. Uh-huh (positive response).
 6 Q. So was it -- How was it in there? You've
 7 got it barrel down. Describe for me how
 8 it's in between the seats there.
 9 A. I'm certain the barrel was in there so it
 10 wouldn't be moving pointing toward the --
 11 back in the seat.
 12 Q. Did you touch the gun at any time while
 13 this pursuit was going on?
 14 A. I don't know. I probably touched it if it
 15 was moving or whatever, but I didn't reach
 16 for it or nothing.
 17 Q. Was the gun loaded?
 18 A. Yes, sir.
 19 Q. What kind of gun is that?
 20 A. .357.
 21 Q. Do you know what kind of bullets were in
 22 it?
 23 A. .357 hollow points.

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1 Q. At any time during this pursuit did you
 2 pick that gun up?
 3 A. No, sir.
 4 Q. So it's just there kind of tucked down in
 5 the seat?
 6 A. Yeah. Until they was ramming. It probably
 7 was moving when they was ramming the
 8 vehicle. That's probably about the only
 9 time I probably touched it.
 10 Q. Did the gun move at any time during the
 11 pursuit? Did it stay here until the
 12 ramming started?
 13 A. I'm quite sure it did. But when they was
 14 ramming the car, my head was jerking. I'm
 15 quite sure it was moving along with
 16 everything else on the seat.
 17 Q. Let's talk about the ramming. Describe for
 18 me what you mean when you say they rammed
 19 you.
 20 A. Like I say, after they pulled beside me for
 21 the second time, they veered back behind me
 22 approximately a mile and they started
 23 hitting -- hitting the back end of my

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1 vehicle like two or three times. Each time
 2 it was knocking the car in a wiggling
 3 motion off the highway.
 4 Q. How fast were you going at that point?
 5 A. Initially I probably was going about 55
 6 until they started ramming me and I was
 7 losing control of the car and I slowed down
 8 approximately about 35, 40 miles an hour
 9 because I didn't want the car to flip out
 10 of control.
 11 Q. What part of their car was striking your
 12 car?
 13 A. I would have to say their bumper to
 14 bumper. I wasn't aware of the ramming
 15 until I was hit.
 16 Q. Okay. Was it -- And when you say ramming,
 17 were they hitting you center on, or were
 18 they off to one side or the other? How was
 19 that?
 20 A. They were hitting me center on up until the
 21 point where they spun me out. And
 22 that's when they hit me on the driver's
 23 side bumper and spun me out of control.

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1	MR. WILFORD: Let's take a quick	1	car after the first hit, what, if anything,
2	break. We've been going for	2	did you do?
3	an hour.	3	A. Continued to drive.
4	(Brief recess was taken.)	4	Q. Did you slow down or speed up?
5	Q. Okay. When we broke, Mr. Marshall, we were	5	A. Yeah. I slowed down.
6	talking about the ramming had begun. About	6	Q. How slow did you get down to?
7	how many times did the Lincoln come into	7	A. Probably I want to say around 30, 35 miles
8	contact with your car?	8	an hour.
9	A. First ramming I'm quite sure he rammed me	9	Q. Did you make any moves to pull the vehicle
10	twice -- two or three times. Made the car	10	off the road?
11	sort of lose control and then I regained.	11	A. No.
12	Q. That's what I want to do. I want to take	12	Q. You said your neck got jerked around. Did
13	them one by one so you can tell me what	13	you come in contact with anything in the
14	happened each time he made contact with	14	car?
15	you. The first time that he hit you, was	15	A. Not -- At that time I didn't.
16	that, again, head-on his front to roughly	16	Q. How long did you drive at 35 miles an hour
17	the center of your bumper; is that right?	17	before something else happened?
18	A. Yes, sir.	18	A. Approximately 10 seconds and got rammed
19	Q. And how fast were you going at the time	19	again.
20	when he first hit you?	20	Q. So this would be ram number two; correct?
21	A. I may have been going approximately 45 to	21	A. Yes, sir.
22	55 miles an hour at the first ramming.	22	Q. How did he hit you that time?
23	Q. What did you do when you felt the impact?	23	A. Same way, bumper.

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1	A. Well, on impact it jerked my neck and for a	1	Q. Center on?
2	brief moment I lost control of the car like	2	A. Yes, sir.
3	swerved from the ramming. And I looked in	3	Q. Do you have any estimate of how fast they
4	the mirror at this time to see what was	4	were going? Let's go back to the first
5	going on, but I still couldn't see what	5	time he hit you. Do you have any idea how
6	they was doing back there. I drove	6	fast he was going when he hit you?
7	approximately another quarter mile.	7	A. I would estimate not too much faster than
8	Q. Hang on just a second. You said you looked	8	me, because they were riding my bumper the
9	back in the rear view mirror. About how	9	whole time.
10	long did you look?	10	Q. So he couldn't have accelerated too much
11	A. Just a glance up after they rammed.	11	before he came in contact; right?
12	Q. Could you see what they were doing?	12	A. I guess not.
13	A. No. I couldn't make visual what they were	13	Q. What about the second time, do you have any
14	doing.	14	idea how fast he was going?
15	Q. Did you see a blue light?	15	A. I can't approximate how fast he was going.
16	A. No, sir.	16	I just know the impact was variably the
17	Q. Did you see any badges?	17	same.
18	A. No, sir.	18	Q. Did he stay on your bumper between the
19	COURT REPORTER: Can I stop for	19	first and the second impact?
20	two seconds?	20	A. After the first impact I don't think he was
21	MR. WILFORD: Sure.	21	riding my bumper as close. Because like I
22	(Brief pause.)	22	say, I sort of lost control. He probably
23	Q. All right. After you got control of the	23	fell back a little until I regained control

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<p>1 and then I felt the ram again.</p> <p>2 Q. About how far did he fall back?</p> <p>3 A. I can't say how far because I really didn't</p> <p>4 look back. I just know I was swerving and</p> <p>5 I'm quite sure he wasn't on my bumper while</p> <p>6 I'm swerving.</p> <p>7 Q. Right. When you did that glance into the</p> <p>8 rear view mirror, though, about where was</p> <p>9 he? Was he still back on your bumper? Had</p> <p>10 he fallen back?</p> <p>11 A. No. He had fell back approximately 20, 30</p> <p>12 yards after he first bumped me.</p> <p>13 Q. All right. So the second impact was about</p> <p>14 as hard as the first impact; right?</p> <p>15 A. Yes, sir.</p> <p>16 Q. What happened immediately after the second</p> <p>17 impact?</p> <p>18 A. Immediately after the second impact, the</p> <p>19 car veered a little more, and immediately</p> <p>20 following that that's when he bumped it</p> <p>21 again on my driver's side bumper and</p> <p>22 spun me out of control. That's when my</p> <p>23 head hit the steering wheel. I snatched</p>	<p>1 I was on the opposite side of the road in a</p> <p>2 daze. By the time I opened the car door</p> <p>3 they was already out of their vehicle with</p> <p>4 guns drawn.</p> <p>5 Q. Let's talk about your head hitting the</p> <p>6 steering wheel. What part of your head hit</p> <p>7 the steering while?</p> <p>8 A. My right -- left temple.</p> <p>9 Q. Right above your eye there?</p> <p>10 A. Yeah. I've still got a knot up there from</p> <p>11 it.</p> <p>12 Q. And you weren't wearing your seat belt at</p> <p>13 the time; right?</p> <p>14 A. No, sir.</p> <p>15 Q. Was that from the second hit or the spinout</p> <p>16 hit that sent your head into the steering</p> <p>17 wheel?</p> <p>18 A. Had to be the spinout, because when he hit</p> <p>19 me, it like threw me off the seat out of</p> <p>20 control and I just snatched the wheel and</p> <p>21 the car just went where it went.</p> <p>22 Q. So it went all the way across the oncoming</p> <p>23 lane; is that right?</p>
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<p>1 the vehicle. It jumped Highway 21 and</p> <p>2 landed on the opposite side of the highway</p> <p>3 in a ditch on a spinout.</p> <p>4 Q. Okay. So you're saying that the hit where</p> <p>5 he spun you out came fairly quickly after</p> <p>6 the second ram; is that right?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Were you still going about 35 miles an hour</p> <p>9 when the spinout hit occurred?</p> <p>10 A. Yes, sir. Approximately.</p> <p>11 Q. Were you able to take any kind of</p> <p>12 corrective action with the car between the</p> <p>13 time of the second hit and the spinout hit?</p> <p>14 A. After he rammed me the second time, like I</p> <p>15 say, I guess because I wasn't going as</p> <p>16 fast, the car just like jerked. And before</p> <p>17 I can regroup, he had hit me again on the</p> <p>18 bumper. And that's when I spun out</p> <p>19 toward the bluff. My head hit the steering</p> <p>20 wheel. Knowing it's a deep bluff right</p> <p>21 here, I snatched the steering wheel, and</p> <p>22 all I know the car jumped or skid across</p> <p>23 Highway 21. Because when my head came up,</p>	<p>1 A. Yeah. It went -- When he spun me out,</p> <p>2 the car went off the bluff toward the bluff</p> <p>3 to the right of the road on two wheels. I</p> <p>4 snatched it and all I can remember is it</p> <p>5 clearing the highway or whatever. I ended</p> <p>6 on the opposite side of the road facing the</p> <p>7 way we just came.</p> <p>8 Q. So you went off to the left from your</p> <p>9 direction of travel; is that right?</p> <p>10 A. That's where --</p> <p>11 Q. Your car went to the left?</p> <p>12 A. That's where it landed.</p> <p>13 Q. Your initial direction of travel?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And the stereo was still going the whole</p> <p>16 time; right?</p> <p>17 A. Whole time.</p> <p>18 Q. Between the first time that you were hit</p> <p>19 and what we're calling the spinout hit</p> <p>20 here, did Kevin say anything to you that</p> <p>21 you heard?</p> <p>22 A. No, sir.</p> <p>23 Q. Do you recall saying anything?</p>

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1 A. I was probably mumbling to myself, they're
 2 trying to kill me, what they doing,
 3 something to that effect.
 4 Q. Did you ever think to pick up that gun and
 5 defend yourself with it?
 6 A. No, sir.
 7 Q. Did you have a cell phone with you that day?
 8 A. I'm quite sure I did.
 9 Q. Do you remember what the phone number was?
 10 A. I don't remember.
 11 Q. Did you try to call anybody?
 12 A. No, sir. I didn't have time.
 13 Q. That's a good point. From the time that
 14 you saw that Lincoln break back on County
 15 Road 7 until the time that you came to a
 16 stop on Highway 21, how much time had
 17 passed?
 18 A. If I had to estimate, I'd approximately say
 19 anywhere from five to 10 minutes.
 20 Q. Did Kevin have a cell phone?
 21 A. No, sir.
 22 Q. All right. So in that entire five- to
 23 10-minute period, you never picked up the

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1 phone to make a call?
 2 A. No, sir.
 3 Q. Never thought to call for help?
 4 A. It's a panic situation. You think you're
 5 getting robbed. You ain't got time to call
 6 for no help when I'm driving.
 7 Q. The entire time that passed between the
 8 first time that you were hit until you were
 9 spun out, were there any vehicles on the
 10 road besides yours and the Lincoln?
 11 A. I didn't meet any traffic on County Road 7,
 12 and I don't recall meeting any traffic on
 13 County Road 21 until after the incident was
 14 over.
 15 Q. Did you throw anything out the window at
 16 any time?
 17 A. The only thing I had in my hand was a
 18 cigarette butt. I was smoking previous to
 19 the whole incident. If anything was
 20 thrown, it had to be a cigarette butt
 21 because I didn't have anything else.
 22 Q. Where did you throw that cigarette butt
 23 out? Was it on County Road 7 or Highway

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1 21?
 2 A. Probably had to be on Highway 21.
 3 Q. What is this area here in this intersection
 4 of 7 and 21 like? Is it built up? Are
 5 there a lot of buildings? Is it wooded?
 6 Give me an idea of what the area around
 7 there looks like.
 8 A. This area where --
 9 Q. I tell you what. Let's start on County
 10 Road 7 from basically where you turned off
 11 on 16 up to 21. Are there any houses or
 12 churches or anything like that there?
 13 A. Well, after coming through what's called
 14 the swamp on County Road 16, swampy area,
 15 no houses. I don't know what's in the
 16 woods. No houses. Two bridges. On County
 17 Road 7 there's a church right to your
 18 left. As soon as you turn onto it there's
 19 a church.
 20 Q. At the intersection of 16 and 7?
 21 A. Yeah. That's the intersection. It's a
 22 church there. And immediately turning on
 23 County Road 7 I know there's a house and

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1 another house or two on your left. And
 2 after that --
 3 Q. Is this as you're traveling towards 21 that
 4 you're describing for me?
 5 A. Immediately turning onto County Road 7
 6 approximately a quarter mile you'll run up
 7 on a house and a trailer and approximately
 8 two houses on your left. Then it's just
 9 another wooded stretch and a bridge.
 10 Q. What about on 21 where you turned right
 11 there, what's the area like around there?
 12 A. It's a caution light. It's a big -- two
 13 big ponds and used to be a junkyard. Guy
 14 owned a big house on the hill up from the
 15 ponds and probably two older model houses
 16 on your left. Then you've got a another
 17 stretch -- bridge and stretch or whatever.
 18 Q. Any churches or anything like that around
 19 there?
 20 A. Not right there on Highway 21. Not right
 21 there.
 22 Q. Any gas stations or stores?
 23 A. Yeah. There's a store probably a quarter

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mile to your left from the caution light.
 Q. Going back towards Braggs?
 A. Yeah. Going back towards Braggs.
 Community store right there.
 Q. What about in the direction that you
 traveled on 21, are there any stores or gas
 stations or anything like that?
 A. The direction I traveled that day going
 home?
 Q. Yes, sir.
 A. No gas station. No store.
 Q. And your house is on Highway 21?
 A. Right off the dirt road. Turn right off of
 21.
 Q. About how far back off of 21?
 A. Just a couple hundred yards.
 Q. Are there any other houses around that one?
 A. Yeah. It's a couple houses right at the
 caution light about a quarter -- about 2,
 300 yards from where I live, caution light,
 and there's a couple more residences in the
 area.
 Q. Is that a different caution light than the

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one you've been telling me about on 7/21?
 A. Yeah.
 Q. So that's further on down?
 A. Yeah. Right down from my home there's
 another caution light right down there.
 Q. You're pointing right about where 21
 intersects the Lowndes/Wilcox County line.
 A. Yeah.
 Q. I'm just trying to describe for the record
 where you were pointing.
 A. Wilcox County line actually was about a
 mile from the --
 Q. From your home or from where you wound up?
 A. From my home.
 Q. How far were you from your home when you
 were spun out?
 A. Approximately a mile.
 Q. Did your car hit anything when it was spun
 out other than the Lincoln?
 A. Probably embankment is all I can say.
 Q. Didn't hit a mailbox or --
 A. No. It's no mailbox in the area.
 Q. And we showed you already Defendant's

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1 Exhibit 2. Is that where your car came to
 2 rest? Does that depict where your car came
 3 to rest after being spun out?
 4 A. Yes, sir.
 5 (Defendant's Exhibits 7 and 8 was
 6 marked for identification.)
 7 Q. I'm going to show you a couple more
 8 pictures here. I want to show you what
 9 we're going to mark as Defendant's 7 and 8
 10 and let you and your lawyers take a look at
 11 those pictures. Now, do those pictures
 12 also show the way your car wound up on
 13 Highway 21 on June 28th, 2005?
 14 A. Yes, sir.
 15 Q. And we can also see another car in
 16 Defendant's 7 and 8. Is that the Lincoln
 17 that you've been describing?
 18 A. Yes, sir.
 19 Q. Is that how the Lincoln wound up after you
 20 were spun out?
 21 A. They pulled down in the direction. They
 22 pulled off the road in front of me.
 23 Q. And then they turned around and came back;

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1 is that right?
 2 A. No. They pulled down after -- This is
 3 where I landed.
 4 Q. Right.
 5 A. And by the time my head is up off the
 6 steering wheel, my door -- they had already
 7 pulled down and standing in the doorway
 8 with guns drawn.
 9 Q. That's -- Actually you make a good point
 10 there. Let me -- Did you see what happened
 11 to the Lincoln after it made contact --
 12 made the contact with your vehicle that
 13 spun you out?
 14 A. No. Once I went spinning, I didn't see
 15 anything else until the car came to rest.
 16 And like I say, my head hit the steering
 17 wheel. I had like a daze. And when I
 18 leaned back and opened my eyes, the Lincoln
 19 was pulling down right there and they
 20 jumped out of the car with pistols drawn.
 21 I didn't have an opportunity to get out. I
 22 just opened the door and they was already
 23 up.

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1 Q. So you saw the Lincoln -- I want to make
 2 sure I got you right. You saw the Lincoln
 3 come to that position that we see it in in
 4 Defendant's 7 and 8; is that right?
 5 A. Yeah. I saw it pull down.
 6 Q. And is that where that car was when, as you
 7 described, they got out with their guns
 8 drawn?
 9 A. Yes, sir.
 10 Q. So the two cars in 7 and 8 are where they
 11 were at that time that they got out and
 12 drew down on you; is that right?
 13 A. Yes, sir.
 14 Q. Defendant's Exhibit 7, that's the rear of
 15 your car; correct?
 16 A. Yes, sir.
 17 Q. What is that license plate?
 18 A. BRich3.
 19 Q. That's a personalized plate; is that right?
 20 A. Yes, sir.
 21 Q. Did you select that?
 22 A. Yes, sir.
 23 Q. What does that mean?

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1 A. Just a nickname. I had the same license on
 2 two other vehicles. That's just the third
 3 vehicle I had purchased. I had another
 4 Nova.
 5 Q. So your nickname is B Rich; is that right?
 6 A. Uh-huh (positive response).
 7 Q. Where does that come from?
 8 A. Just a nickname. Gained a little weight
 9 over the years. People started calling me
 10 Big Rich. I used to be a skinny guy.
 11 Q. I got you. So the Rich is short for
 12 Richard?
 13 A. Yeah.
 14 Q. I got you. So you at some point had
 15 vehicles that had BRich1 and BRich2 on
 16 them?
 17 A. Yeah.
 18 Q. When you hit your head on the steering
 19 wheel, did it get cut?
 20 A. No, sir. Just a knot.
 21 Q. All right. You saw the Lincoln pull up to
 22 where we see it on 7 and 8 and they got out
 23 with guns drawn. Did both officers get out

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1 with guns drawn?
 2 A. Yes, sir.
 3 Q. You saw the guns, then, at that time?
 4 A. Yes, sir.
 5 Q. Now, when they got out -- and I want to
 6 make sure I understood what you told me --
 7 were you still inside the car or had you
 8 gotten out?
 9 A. No. I hadn't gotten out. When they was
 10 rolling up and jumped out of the car with
 11 guns, I hadn't had an opportunity to get
 12 out. I had opened the door, but like I
 13 say, I was in a daze. And I got out of the
 14 car after that and that's when they started
 15 yelling commands. At that time is where I
 16 seen a shield or whatever they had hanging
 17 around their neck.
 18 Q. Both of them?
 19 A. Well, I know I saw the passenger because he
 20 was more out, which was Chris West. He was
 21 on the passenger's side at this time. I
 22 really couldn't see what Mr. Hutson had on.
 23 Q. Chris West was on the passenger side when

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1 you saw him?
 2 A. Yeah.
 3 Q. And where was Hutson?
 4 A. On the other side of the door.
 5 Q. On the driver's door?
 6 A. Uh-huh (positive response).
 7 Q. Did you see how they got to that position?
 8 Because I think you told me earlier that
 9 Chris was driving.
 10 A. No. I didn't say he was driving. I said
 11 that they got out with their guns drawn. I
 12 never said Chris was driving because Shawn
 13 Hutson was on the passenger side. But all
 14 I knew is when I leaned up Chris West was
 15 on this side of the car because he's the
 16 one that took me down. Shawn Hutson was on
 17 the other door.
 18 Q. Okay. I'm a bit confused here, so we've
 19 got to get this right. When the car pulled
 20 up alongside of you twice, it was Shawn
 21 Hutson who was gesturing at you to pull
 22 over; right?
 23 A. Yeah.

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<p>1 Q. And he was on the passenger's side; right?</p> <p>2 Is that right?</p> <p>3 A. I understood it to be him. I know it was a</p> <p>4 skinnier guy.</p> <p>5 Q. I understand you didn't know him at the</p> <p>6 time.</p> <p>7 A. Uh-huh (positive response).</p> <p>8 Q. And Chris and Shawn were the only two in</p> <p>9 the Lincoln; right?</p> <p>10 A. Yes, sir. The only two.</p> <p>11 Q. So doesn't that basically mean that Chris</p> <p>12 had to have been driving?</p> <p>13 A. Yeah. I guess he was driving, yeah.</p> <p>14 Q. So let me go back to my question. Did you</p> <p>15 see how it was that Chris wound up on the</p> <p>16 passenger's side of the car after you were</p> <p>17 spun out and Shawn wound up on the driver's</p> <p>18 side?</p> <p>19 A. I didn't see that, but it was Chris West</p> <p>20 that was on the passenger's side with the</p> <p>21 gun on me.</p> <p>22 Q. And you said you saw the shield on Shawn;</p> <p>23 is that right?</p>	<p>1 A. (Witness nods head).</p> <p>2 Q. When they told you to get on the ground,</p> <p>3 did you get on the ground?</p> <p>4 A. No, sir.</p> <p>5 Q. Why did you not get on the ground?</p> <p>6 A. Because I was agitated. I didn't know what</p> <p>7 was going on, why this was happening. But</p> <p>8 I still had my hands on top of the door</p> <p>9 letting them know I wasn't posing a threat,</p> <p>10 but I just didn't feel like getting on the</p> <p>11 ground at the time.</p> <p>12 Q. Did you say anything to them?</p> <p>13 A. I'm quite sure I did.</p> <p>14 Q. What did you say?</p> <p>15 A. Why y'all doing this, what's going on,</p> <p>16 something to that effect, what's this all</p> <p>17 about.</p> <p>18 Q. At this point you'd seen the badge on</p> <p>19 Chris; right?</p> <p>20 A. Yeah, I saw it.</p> <p>21 Q. So you knew they were police at this time;</p> <p>22 right?</p> <p>23 A. I did.</p>
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<p>1 A. Saw the shield on Chris. I really couldn't</p> <p>2 see --</p> <p>3 Q. Keep me straight. Shield on Chris. Did</p> <p>4 you get out of the car on their command or</p> <p>5 on your own?</p> <p>6 A. Well, after -- Like I say, they was already</p> <p>7 out. They may have commanded me, but I was</p> <p>8 dizzy in the head. I got out of the car</p> <p>9 and stood in the door with my hands up.</p> <p>10 And I was asking them what's going on, and</p> <p>11 they were just telling me, get on the</p> <p>12 ground, get on the ground, get on the</p> <p>13 ground.</p> <p>14 Q. So you could hear them now; right?</p> <p>15 A. Yeah. I could hear them.</p> <p>16 Q. Music still going?</p> <p>17 A. Still going.</p> <p>18 Q. But now you can hear them?</p> <p>19 A. Yeah. I'm out of the car.</p> <p>20 Q. At this time is the gun that was in your</p> <p>21 car where it is in Defendant's 3?</p> <p>22 A. Yes, sir. It was laying there.</p> <p>23 Q. Just like that?</p>	<p>1 Q. What did they say, if anything, when you</p> <p>2 said what you said to them?</p> <p>3 A. Shawn Hutson, he wasn't focusing on me. He</p> <p>4 didn't say anything. Chris West was just</p> <p>5 saying get on the ground. He said a couple</p> <p>6 of dirty words, too; get on the ground, get</p> <p>7 on the ground, get on the ground. And he</p> <p>8 just eased up on me and slammed me to the</p> <p>9 ground.</p> <p>10 Q. You said Shawn wasn't focused on you. What</p> <p>11 was he doing?</p> <p>12 A. He was more or less watching my cousin.</p> <p>13 Q. After y'all came to a stop, what did Kevin</p> <p>14 do?</p> <p>15 A. I really couldn't tell you what he was</p> <p>16 doing. I was focusing on them. After the</p> <p>17 car came to a stop and they drew out, my</p> <p>18 attention was on them. So I really don't</p> <p>19 know what he was doing.</p> <p>20 Q. Well, when was the next time that you</p> <p>21 became aware of what Kevin was doing?</p> <p>22 A. When Shawn Hutson came around and got him</p> <p>23 out of the car and put him in cuffs.</p>

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<p>1 Q. Was that before or after Chris West had 2 approached you? 3 A. He had already came along and subdued me. 4 Q. Other than commanding you to get on the 5 ground initially, did Chris or Shawn say 6 anything else? 7 A. At that time I can't recollect. Up until 8 the point where he -- Chris West put me on 9 the ground I can't recall anything they 10 said besides get down. 11 Q. Did they identify themselves, DTF or 12 sheriff's department or anything like that? 13 A. They didn't identify nothing. 14 Q. Other than the badges that they had on -- 15 well, the badge that Chris had on? 16 A. The badge. 17 Q. All right. You said Chris came and 18 approached you and you were still standing 19 up at that time; right? 20 A. Yes, sir. 21 Q. What happened when he got to you? 22 A. He got to me, kick slammed me to the 23 ground.</p>	<p>1 car. Were they on top of the -- 2 A. Top of the door. I was standing in the 3 door with my hands like this (indicating) 4 so he can clearly see. 5 Q. We're going to look at Defendant's 2 6 again. You can see here you've got both 7 the driver's side front and rear door 8 open. I'm sure the driver's side rear door 9 wasn't open while all this was going on; 10 right? That was later? 11 A. Yes, sir. 12 Q. Was the front door open about like it is -- 13 A. Yes. 14 Q. -- while this initial confrontation between 15 you and the officers was going on? 16 A. Yes, sir. I was standing in my doorway 17 with my hands up right here on top while 18 they was drawn and commanding me. 19 Q. Did anybody give any commands to Kevin that 20 you heard? 21 A. Like I say, I really can't recall any 22 commands being given to Kevin, because the 23 music is still loud and I'm just focusing</p>
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<p>1 Q. Describe that for me. You say kick slammed 2 you to the ground. How did that happen? 3 A. I had my hands up right above my door. He 4 eased up on me with the gun drawn and he 5 got close enough until he grabbed me and 6 swept my feet with his feet and slammed me 7 face down on the ground. He put his foot 8 on my back and handcuffed me. Then he had 9 his foot on my neck. 10 Q. He cuffed you behind your back? 11 A. Yes, sir. 12 Q. As he was approaching you, did he say 13 anything to you? 14 A. I don't remember him saying anything but 15 just get down and he walked up on me. 16 Q. Did you say anything back to him as he was 17 coming up on you? 18 A. I didn't say anything then. 19 Q. Did you ever at any time make any move back 20 inside that car? 21 A. No, I didn't. I was standing in the car in 22 a daze and -- 23 Q. You said your hands were up on top of the</p>	<p>1 on this gun is drawn on me and I can 2 clearly see what he's doing. 3 Q. Now, at the point from where Chris drew 4 down on you until he came up on you, you 5 got a pretty good look at him; right? 6 A. Uh-huh (positive response). 7 Q. What else did he have on him, if anything, 8 as far as on his person? Did you see any 9 equipment belt or anything like that? 10 A. Only thing I can recognize is he had on a 11 black T-shirt with the shield and he had on 12 regular short pants like I had on, tennis 13 shoes or something to that effect. 14 Q. Did you see anything on his belt? 15 A. I can't recall. I wasn't paying any 16 attention to that. All I was focusing on 17 was the gun on me. 18 Q. From the time Chris initially yelled at you 19 to get on the ground until the time that he 20 approached you and as you said foot-swept 21 you and cuffed you, did he do anything else 22 that we haven't talked about? 23 A. Not from the time he came from there and</p>

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<p>1 foot-swept me on the ground he didn't.</p> <p>2 Q. After you were in cuffs and on the ground,</p> <p>3 I think you told me earlier that's when</p> <p>4 they cuffed Kevin; right?</p> <p>5 A. Yes. Shawn Hutson went and pulled him out.</p> <p>6 Q. Were you able to see that --</p> <p>7 A. Yes.</p> <p>8 Q. -- from where you were?</p> <p>9 A. Yeah.</p> <p>10 Q. How were you -- Let's go back to</p> <p>11 Defendant's Exhibit 2 again. Once you were</p> <p>12 cuffed and on the ground, can you show me</p> <p>13 how you were laying by referencing</p> <p>14 Defendant's 2?</p> <p>15 A. Well, when he foot-swept me and kicked me</p> <p>16 on the ground, I was laying out toward --</p> <p>17 like in this direction headed toward this</p> <p>18 direction.</p> <p>19 Q. So you're out --</p> <p>20 A. Out from the door.</p> <p>21 Q. -- to the lower part of the picture</p> <p>22 underneath the door -- the front door?</p> <p>23 A. Out from the door, yeah.</p>	<p>1 Q. How did he take him out? Describe that</p> <p>2 process for me.</p> <p>3 A. Only thing I can see he grabbed him and</p> <p>4 pulled him out of the car.</p> <p>5 Q. Was it through an open door or through the</p> <p>6 window?</p> <p>7 A. The door. The door was open.</p> <p>8 Q. And what did he do to him once he pulled</p> <p>9 him out of the car?</p> <p>10 A. Put him in handcuffs and set him up there</p> <p>11 on that hill.</p> <p>12 Q. Where we see him in Defendant's 7 and 8?</p> <p>13 A. Yeah.</p> <p>14 Q. Did he pretty much stay there for the rest</p> <p>15 of the time until he was taken from the</p> <p>16 scene?</p> <p>17 A. Yes, sir.</p> <p>18 Q. All right. Once Kevin was cuffed, what</p> <p>19 happened?</p> <p>20 A. Chris West got me up off the ground and put</p> <p>21 me back upside my car door. My back door</p> <p>22 wasn't open at the time. My back is</p> <p>23 against my door and in cuffs, and he</p>
Page 94	Page 96
<p>1 Q. Is that with your head facing back towards</p> <p>2 Highway 21?</p> <p>3 A. My head is out this way where I can see</p> <p>4 Highway 21 and I can see in my car.</p> <p>5 Q. Looking at Defendant's 2, where is the</p> <p>6 Lincoln at? Can you point for me the</p> <p>7 general direction the Lincoln was in?</p> <p>8 A. The Lincoln was still up here at the front</p> <p>9 where it was.</p> <p>10 Q. You're kind of pointing off to the</p> <p>11 left-hand side of Defendant's 2 kind of in</p> <p>12 the middle; is that right?</p> <p>13 A. Up in front of the vehicle where it was</p> <p>14 resting on the other picture. The Lincoln</p> <p>15 was still there.</p> <p>16 Q. How did Kevin get out of the car?</p> <p>17 A. Shawn Hutson pulled him out of it.</p> <p>18 Q. I understand that. But what side of the</p> <p>19 car did he come out of?</p> <p>20 A. Passenger's side.</p> <p>21 Q. So Shawn came around to the passenger's</p> <p>22 side of the car and took him out?</p> <p>23 A. Yes, sir.</p>	<p>1 started asking me, you ain't seen the</p> <p>2 badge, you ain't see this, you ain't see</p> <p>3 that. I said, man, I ain't seen nothing</p> <p>4 but the gun. He didn't like what I was</p> <p>5 saying, so he grabbed my pants and he</p> <p>6 shoved me against the car. I said, man,</p> <p>7 what you doing. He started going in my</p> <p>8 pockets. I know he took my wallet out. I</p> <p>9 didn't even see him take the money out. He</p> <p>10 took my wallet out, open it up, throw it</p> <p>11 inside my car on the seat.</p> <p>12 Q. Which seat? The back seat or the front</p> <p>13 seat?</p> <p>14 A. It was on the front seat.</p> <p>15 Q. Did we see your wallet in any of these</p> <p>16 pictures?</p> <p>17 A. I didn't see it.</p> <p>18 Q. So he searched your pants?</p> <p>19 A. Yeah. He put his hands in all my pockets</p> <p>20 and he came out with the wallet and looked</p> <p>21 in it. And like I say, I didn't see him</p> <p>22 come out with the money. But I was still</p> <p>23 standing there. He was raving on about why</p>

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1 I ain't stopped, this and that. I told him
 2 I didn't know who he was; I thought you was
 3 somebody trying to rob me. You know who I
 4 was, this and that back and forth.
 5 Q. Let me stop you right there. Other than
 6 your wallet -- You said you didn't see him
 7 take the money out?
 8 A. I didn't see him take it out, but he put
 9 his hand in the pocket where my money was.
 10 I didn't see him take it out.
 11 Q. Did he take anything else out of your
 12 pockets?
 13 A. Just my wallet in my sight. I saw him take
 14 the wallet out and go through it and throw
 15 it down.
 16 Q. Did he search any other part of your person
 17 other than the pockets of your pants?
 18 A. He had -- Like I say, he had his hands
 19 verbally in -- like in the belt part of my
 20 pants and pulled them first like shoved me
 21 against the car. Then he started searching
 22 me. After that he went to the trunk of the
 23 car and started tearing it up, opening it

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1 up.
 2 Q. Okay. About how long did his search of
 3 your person take?
 4 A. I would approximately say 10 minutes.
 5 Q. 10 minutes?
 6 A. Approximately. Because he went through the
 7 trunk and everything.
 8 Q. I'm just talking about your person.
 9 A. Oh, me?
 10 Q. Yeah. Your person.
 11 A. Couple of minutes. Couple of minutes.
 12 Q. While this was going on, were you able to
 13 see or hear what was going on with Kevin?
 14 A. No. I ain't heard -- As far as I know,
 15 Shawn had placed him over there sitting
 16 down. He wasn't going nowhere.
 17 Q. Was Shawn present while you were being
 18 searched by Chris West?
 19 A. Yes, sir.
 20 Q. Was he standing there?
 21 A. He was more or less out around the Lincoln
 22 Town Car around the vehicle. Chris was
 23 searching me, searching the trunk or

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1 whatever. Shawn was more or less over by
 2 the vehicle.
 3 Q. I'm just focusing on the time right now
 4 while Chris was searching your person, not
 5 the vehicle yet. Was Shawn standing
 6 nearby?
 7 A. I can't recollect where he was then. I
 8 know he had got Kevin out of the car and he
 9 wasn't in our immediate space.
 10 Q. All right. Once he got done -- Once Chris
 11 got done searching you, what did he do with
 12 you, if anything?
 13 A. I was standing right there, as I say, in my
 14 car door. The passenger rear door is still
 15 closed. He wanted me to get in the back
 16 seat of the car. I said, man, you see this
 17 tight space; I can't get in there with my
 18 handcuffs on; I'm a big guy; I can't get in
 19 there. He got mad and grabbed me inside my
 20 pants and rammed me against the car and he
 21 snatched me back. That's when my pants hit
 22 the ground off my leg because he busted the
 23 zipper and the button. My pants was on the

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1 ground. I said, man, what you doing. I
 2 said, you see I can't get in there; put me
 3 in the patrol car or whatever you're going
 4 to do. You're going to get in here; such
 5 and such, such and such. So at this time
 6 cars started coming up Highway 21. He
 7 stopped doing what he's doing, went to the
 8 Lincoln Town Car, reached in there, got a
 9 light. He put the light on top of the
 10 car. The light wouldn't even work. He
 11 beat on the light three or four times
 12 before the light started flashing. That's
 13 how I was able to know there was no light
 14 present throughout the whole incident. He
 15 put the light on the car after he had did
 16 all this and I'm watching him doing this.
 17 Q. You watched him take the light out of the
 18 car and put it up on --
 19 A. I watched him reach inside the car and come
 20 out with a light. He stuck it on top of
 21 the car and he beat on it three times
 22 before it even started flashing.
 23 Q. How much did you weigh in June of '05?

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1 A. I was probably weighing about 275, 280 back
 2 then.
 3 Q. How tall were you?
 4 A. 5-9.
 5 Q. The shorts you were wearing that day, were
 6 they tight on you? Baggy? Were you
 7 wearing them low slung?
 8 A. Just snug fit, average fit.
 9 Q. Did you have a belt on?
 10 A. No belt.
 11 Q. You were wearing boxers underneath them; is
 12 that right?
 13 A. Yes, sir.
 14 Q. You said the zipper broke on the shorts?
 15 A. The zipper bust and the button popped off,
 16 because he stuck his hands in the inside of
 17 my crotch and gripped the pants and forced
 18 me back in the car while I'm already in
 19 cuffs. Then he choked me because I was
 20 asking what he was doing. I said, man,
 21 what this all about. When I wouldn't get
 22 in the car -- That's what made me get in
 23 the back seat of the car. He verbally

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1 choked me until I couldn't breathe, and
 2 that's when I subdued and got in the back
 3 seat of the car.
 4 Q. Describe for me how he choked you.
 5 A. Doing the motion. When he slammed me
 6 against the car, I still wouldn't get in
 7 the back seat of the car because I
 8 couldn't -- it's a small car. I know I
 9 couldn't hardly get in there. And I
 10 wouldn't obey what he was doing. He said,
 11 you're going to get in the back seat of
 12 this car because traffic coming at the
 13 time. He grabbed one hand on the back of
 14 my neck some kind of full nelson choke and
 15 my head was like this (indicating). You're
 16 going to get in the car. That's what he
 17 said. You're going to get in there. And
 18 when I stopped -- couldn't breathe, I gave
 19 up and crawled in the back seat of the
 20 car. You see my legs are still out. I
 21 couldn't get my whole body in there.
 22 Q. So he had one arm in the front of your neck
 23 and one arm in the back of your neck; is

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1 that right?
 2 A. Full nelson, some type of chokehold.
 3 That's all I know. I can't describe
 4 exactly how it was. All I know I was being
 5 choked. He was in front of me and he was
 6 choking me. Cut my air off.
 7 Q. Once you got in the car, did he stop
 8 choking you?
 9 A. He stopped choking me while I was still
 10 standing there because I gave up
 11 resisting. I told him, okay, I'll get in
 12 the car because I couldn't breathe.
 13 Q. So you agreed to get in the car and he
 14 released his hold; is that right?
 15 A. Yes.
 16 Q. About how long were you in that hold?
 17 A. Long enough for my breath to get cut off.
 18 Q. Seconds? Minutes?
 19 A. Seconds. Wasn't no minutes. Seconds.
 20 Q. 10 seconds? Five seconds?
 21 A. I don't know how many seconds.
 22 Approximately five to 10 seconds.
 23 Q. We do see you in the car in these pictures;

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1 right? Let's look at Defendant's 7. Is
 2 that you in the back seat of the car there?
 3 A. Yes, sir.
 4 Q. And Defendant's 8, is that you in the back
 5 seat of the car?
 6 A. Yes, sir.
 7 Q. And I think you told me he searched your
 8 car too. Was that before or after he put
 9 you in the back seat of your car?
 10 A. I know he searched it -- the inside part
 11 with me standing right here just reaching
 12 in. I'm standing here. He just reached in
 13 and he got the keys out during that time
 14 and he went to the trunk of the car, opened
 15 it with the keys and started going through
 16 the trunk while I was standing there. And
 17 he came back and slammed the trunk or
 18 whatever and came back around.
 19 Q. At some point did he find the gun?
 20 A. Oh, he already saw the gun.
 21 Q. Tell me when you first became aware that he
 22 was aware of the gun.
 23 A. After he had slammed me down on the ground

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<p>1 and put me in cuffs they saw the gun, 2 because they was making little smart 3 comments about the gun on the seat and this 4 and that. 5 Q. Who made the comment about the gun? 6 A. Shawn Hutson. Oh, he got a big gun; oh, it 7 ain't no cheap gun either; all this and 8 that. I told them it's not my gun. That's 9 your gun? I said, it ain't my gun, man. 10 Q. Had the radio been turned off at this 11 point? 12 A. Chris West turned the radio down after he 13 put me in cuffs. 14 Q. After he put you in cuffs? 15 A. Yeah. 16 Q. Is that about the same time that he found 17 the gun? 18 A. Yeah. He saw the gun right after he 19 reached in the car or whatever. 20 Q. Did he take the gun, did he move the gun, 21 or did he just leave it right there where 22 we see it? 23 A. He left it right there.</p>	<p>1 or whatever. Then Shawn came over where he 2 was and they were making little small talk 3 about the caliber and the model of the gun 4 or whatever, this and that. 5 Q. Any other conversation that you heard? 6 A. No, sir. After that incident, Chris West 7 took me up there and put me on the hill 8 beside Kevin. 9 Q. Took you back out of your car? 10 A. Yes, sir. 11 (Defendant's Exhibit 9 was marked 12 for identification.) 13 Q. I'm going to show you what we'll mark as 14 Defendant's Exhibit 9. 15 A. Uh-huh (positive response). 16 Q. Mr. Marshall, do you recognize what's in 17 Defendant's Exhibit 9? 18 A. Appear to be some money. 19 Q. Looks like it's on some carpet too; right? 20 A. Appear to be. 21 Q. Is that the same kind of carpet that you 22 have in your Nova? 23 A. My Nova doesn't even have carpet in it, so</p>
Page 106	Page 108
<p>1 Q. All right. Then he did a complete search 2 of your car; is that right? 3 A. He went to the trunk. He already had 4 visually searched the little front part, 5 which is not too much concealed. He went 6 to the trunk and that's where he did most 7 of the searching, moving stuff doing this 8 and that, whatever he was doing back 9 there. He came back a little while where I 10 was. 11 Q. Did he bring anything with him when he came 12 back up there where you were? 13 A. No, sir. 14 Q. Did he tell you that he had found anything? 15 A. No, sir. 16 Q. About how long did it take him to search 17 the car? 18 A. I'd say the whole search probably I'd say 19 five to 10 minutes. 20 Q. While Chris was searching the car, what was 21 Shawn doing? 22 A. Shawn was back toward the Lincoln Town Car 23 and Chris made the statement about the gun</p>	<p>1 I don't know what that is. 2 Q. Did you have money like that that day, a 3 five and what looks like a bunch of ones? 4 A. I had \$500. If that's the money, I don't 5 know whose it is. It ain't mine. I had 6 two \$100 bills and the rest in twenties. 7 Q. So it's your testimony that that money 8 wasn't in your car that day? 9 A. I can't say it wasn't in my car. It may 10 have been Kevin's money, but it's not mine. 11 Q. So you don't recognize anything in 12 Defendant's Exhibit 9 at all? 13 A. It's not my money. 14 Q. That's not what I asked you. I understand 15 that you know that it's money. Do you 16 recognize what Defendant's Exhibit 9 shows? 17 A. I don't recognize that. 18 (Defendant's Exhibits 10 and 11 19 were marked for identification.) 20 Q. Mr. Marshall, I'm going to show you two 21 more pictures, Defendant's 10 and 11. Were 22 those pictures taken of you on June 28th, 23 2005?</p>

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Yes.
Is that what you were wearing at the time?
Yes.
And that is you in those pictures; right?
Yes.

MR. WILFORD: Let's get something to eat.

(Whereupon lunch recess was taken.)

(Continuing by Mr. Wilford) Mr. Marshall, you testified before we took a break that at some point you were taken and put over on the side of the hill there next to Kevin; right?

Yes.

What, if anything, happened after you were put over there by Kevin?

They ran my name, his name in and --

What do you mean they ran his name in?

Warrant check or whatever, social security number. Ran both our names and --

Did any other police units arrive?

Probably 30 to 45 minutes later they called back to Hayneville for a sheriff's deputy

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1 hill for 30 to 45 minutes before another
2 vehicle came?

3 A. Yes. Before the police vehicle came.

4 Q. Anything else happen during that time
5 besides your information being called in?

6 A. Not during that time I was sitting on the
7 hill. Nothing happened then.

8 Q. So nothing happened between that time and
9 the time that another police unit showed
10 up; is that right?

11 A. No. Nothing happened. The only thing that
12 I forgot to leave out that happened is
13 backing up to when Chris West initially
14 drew down on me he did fire his weapon in
15 my direction.

16 Q. You forgot to mention that?

17 A. Yeah.

18 Q. Was that after you had a chance to talk to
19 your lawyers at lunchtime?

20 MR. LEWIS: Object.

21 A. I just --

22 MR. LEWIS: Don't discuss anything
23 that you and I might have

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vehicle. It arrived, which I was placed in.

1. I'm sorry I interrupted you. So they called his information in?

2. Called both of us in.

3. Anything happen after they called that in?

4. No. We just was sitting there on the grass and they was walking around talking among themselves. I heard them calling in for the vehicle.

5. Did they call over a radio or cell phone, or how did they do that?

6. Over the dispatch (indicating).

7. You're doing --

8. Police dispatch.

9. Over the radio?

10. I saw them reach in the car, yeah.

11. Could you hear what they were saying?

12. Only what I could make out of it my social security number and name being called and they was running or whatever over the loud speaker.

13. And so you sat there on the side of the

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1 talked about.

2 Q. I'm not asking about the substance of the
3 conversation. I'm just -- Were you
4 reminded of it at lunchtime?

5 A. No, I wasn't reminded of it.

6 Q. Well, what happened with this shooting?

7 A. It just -- That's the first thing -- After
8 he drew down, he fired the weapon before
9 coming to approach me.

10 Q. Before who approached you?

11 A. Before he approached me he had already
12 fired the weapon.

13 Q. Let's back up, then, and as you say
14 completely regroup. He got out of the car
15 and he had his weapon pointed at you; is
16 that right?

17 A. Yes, sir.

18 Q. Did he give you commands?

19 A. He said get on the ground or something to
20 that effect.

21 Q. And you didn't comply with those commands.
22 You told me that earlier; right?

23 A. No, I didn't comply.

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1 Q. So you were still standing there?
 2 A. In the doorway, yeah.
 3 Q. In the doorway of the car?
 4 A. Uh-huh (positive response).
 5 Q. And he fired?
 6 A. Yeah.
 7 Q. This was after giving you commands and you
 8 not complying; right?
 9 A. Yeah. He had given some kind of command.
 10 Q. And you hadn't complied?
 11 A. No.
 12 Q. Where did he shoot?
 13 A. Right out -- if I may.
 14 Q. Sure.
 15 A. In this general direction (indicating).
 16 Q. We're looking at Defendant's Exhibit 2.
 17 A. Right down past the doorway.
 18 Q. You're making a pretty broad motion there.
 19 A. I'm standing in the doorway, but he fired
 20 right out from -- past the doorway in this
 21 direction down --
 22 Q. Towards the front of your car or --
 23 A. I heard the bullet hit the ground. I heard

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1 the gunshot. It hit the ground somewhere
 2 in this direction. He fired down there.
 3 Q. Did the bullet strike the ground in front
 4 of you or off to the side of you?
 5 A. I can't say exactly where it struck,
 6 gunfire. But I did hear it hit the ground
 7 in this area right here. I heard it.
 8 Q. How many times did he shoot?
 9 A. One shot.
 10 Q. And did you comply with his commands after
 11 he shot at the ground?
 12 A. I still had my hands up over the vehicle.
 13 I asked him, why are you shooting at me,
 14 what are you doing, and he was just still
 15 saying, get on the ground, this or that,
 16 get on the ground. That's when he was
 17 walking up on me.
 18 Q. Okay. So this man just fired a round at
 19 your feet? This man that you know to be a
 20 police officer and you still didn't do what
 21 he said?
 22 A. He fired at me, but I didn't -- like I
 23 said, I didn't run out to jump on the

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1 ground. I've been arrested before. That's
 2 why I had my hands up to show I wasn't
 3 posing a threat. But I didn't see any
 4 reason why he had to fire at me.
 5 Q. Well, when you were arrested before, did
 6 you do what the police told you to do?
 7 A. Yeah.
 8 Q. And you have no idea where the round hit
 9 the ground other than it was generally
 10 somewhere out in front of your car on the
 11 passenger's side?
 12 A. I can't specifically say where it hit, but
 13 I know it was right in the direction of the
 14 front driver's door somewhere before the
 15 end of the car. I heard it hit the ground
 16 when he shot.
 17 Q. Did it kick up any dirt or grass or
 18 anything like that?
 19 A. Just like (indicating) quick.
 20 Q. Did any of it hit you?
 21 A. No. Didn't no dirt or -- it didn't hit me.
 22 Q. All right. Up until the point that another
 23 police vehicle arrived, have you told me

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1 everything that happened out there after
 2 you were put on the side of the road?
 3 A. Yeah. Up until he placed me beside Kevin.
 4 The only other thing happened is the
 5 vehicle pulled up and they placed me in
 6 that vehicle and put Kevin in the Lincoln
 7 Town Car.
 8 Q. Let's talk about -- How many other vehicles
 9 showed up?
 10 A. Just one.
 11 Q. What kind of car was it?
 12 A. Brown Ford Crown Vic, county sheriff.
 13 Q. It was a county sheriff's vehicle?
 14 A. Yeah.
 15 Q. All right. Do you know -- How many
 16 officers showed up in that car?
 17 A. One officer.
 18 Q. Do you know the name of that officer?
 19 A. No, I don't.
 20 Q. Can you describe him for me?
 21 A. Appeared to be a younger white guy, kind of
 22 stocky build, Army cut.
 23 Q. And you were placed in the back of his car?

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1 A. Yes, sir.
 2 Q. When did that occur? Was it right after he
 3 arrived, or how much time passed?
 4 A. Well, I'll say approximately 10 minutes, 15
 5 minutes max after he arrived after they
 6 figured out who was going to get in what.
 7 The guy placed me in the back of the county
 8 sheriff car and placed Kevin in the front
 9 seat of the Lincoln Town Car. And Shawn
 10 Hutson drove off in my car.
 11 Q. You watched him drive off in your car?
 12 A. Uh-huh (positive response). He left first.
 13 Q. You were still there on the scene?
 14 A. Uh-huh (positive response).
 15 Q. How long did you stay there on the scene
 16 after your car was driven off?
 17 A. Approximately five minutes.
 18 Q. Did anything happen during that five
 19 minutes?
 20 A. No. I just was driven off by the county
 21 deputy sheriff.
 22 Q. Did you leave first, or did Chris leave
 23 first?

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1 A. Shawn Hutson left first.
 2 Q. Yeah. We established that.
 3 A. Then I left in the deputy sheriff car. And
 4 we only went halfway up 21 when they
 5 stopped and got out of the car and started
 6 looking for something. Shawn Hutson turned
 7 around in my vehicle and came back and
 8 stopped and got out with Chris West walking
 9 down 21 appeared to be looking for
 10 something. I was in the county sheriff
 11 car. Kevin was in the Lincoln Town Car
 12 behind us.
 13 Q. All right. Where did you stop? Was it
 14 before County Road 7 or after County Road
 15 7?
 16 A. On Highway 21 right up the road. After
 17 turning on Highway 21, they stopped right
 18 there and -- all three vehicles.
 19 Q. I understand it was on Highway 21. I'm
 20 just trying to figure out. Let's go back
 21 and look at Defendant's Exhibit 5. About
 22 where on County Road 21 did they stop and
 23 look?

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1 A. This would be 263 crossing.
 2 Q. Right.
 3 A. I would say somewhere in here right down
 4 from the turn on County Road -- off County
 5 Road 7 on 21.
 6 Q. Looks like you're kind of pointing -- and
 7 correct me if I'm wrong -- about halfway
 8 between County Road 7 and your home on
 9 Highway 21.
 10 A. Right off County Road 7 probably a couple
 11 hundred feet. That's where they stopped.
 12 Q. Did they find anything?
 13 A. Not to my knowledge. I didn't see them
 14 find anything.
 15 Q. Has it come to your attention at some point
 16 later that they found anything?
 17 A. It was said that he picked a baggy up
 18 beside the road or something.
 19 Q. Did you ever see the baggy?
 20 A. No, sir.
 21 Q. How long did it take them to search on the
 22 side of Highway 21?
 23 A. I'll say approximately 15 minutes or so.

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1 Q. Was Kevin there, too, in their car?
 2 A. He was in the Lincoln.
 3 Q. What happened after they got done
 4 searching?
 5 A. Chris West came back to the Lincoln, waved
 6 Shawn Hutson to go on. And the sheriff car
 7 pulled off with me and then they stopped at
 8 the store right up the road I was telling
 9 you about, Howard's Country Store. Shawn
 10 Hutson pulled up on the gas tank, put gas
 11 in my vehicle. Chris West, the deputy, and
 12 Shawn Hutson went inside the store.
 13 Probably got something to drink or
 14 whatever. I had a flat -- They had a flat
 15 on the sheriff's car. They changed the
 16 flat while I was still in the car, Chris
 17 West and the deputy sheriff.
 18 Q. There at the gas station?
 19 A. Yes, sir. They changed the flat. And
 20 Shawn Hutson, he left about 10 minutes
 21 earlier and went up 21 in my car.
 22 Q. Was your car almost out of gas?
 23 A. Yeah. It was on E.

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1 Q. How long did that take there at the gas
2 station for them to do all that?
3 A. I'll say approximately another 20 minutes.
4 Q. Was there any conversation with you that
5 took place at that time?
6 A. No. I was in the back seat of the patrol
7 car the whole time.
8 Q. Nobody talked to you?
9 A. No, sir.
10 Q. Did anything else happen as far as
11 something happening to you personally while
12 you were there at the gas station?
13 A. No, sir.
14 Q. Just sat there and waited for them?
15 A. (Witness nods head). Yes, sir.
16 Q. What happened after the gas station?
17 A. After changing the tire, Chris West got in
18 the Lincoln. He left first. The deputy
19 sheriff got in and proceeded to go to the
20 Lowndes County Detention Facility.
21 Q. Between the gas station and the detention
22 facility, did you have any conversation
23 with the deputy?

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1 A. No. He didn't say anything.
2 Q. Did you hear anything on the radio?
3 A. No, sir.
4 Q. What happened when you got to the jail --
5 excuse me -- detention facility?
6 A. The deputy radioed to come in through the
7 gate and Chris West came in also. And he
8 brought -- Deputy got me out of the back
9 seat of the car and brought us into the
10 facility into booking.
11 Q. Anything out of the ordinary happen from
12 the time you got out of the car and you got
13 to the booking area?
14 A. No.
15 Q. Did you have any conversation with the
16 deputy?
17 A. No.
18 Q. Who escorted you from the car to the
19 booking area?
20 A. The deputy.
21 Q. What happened when you got to the booking
22 area?
23 A. I think Chris West told us to stand back

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1 toward the wall. The deputy was standing
2 over to the right by the counter. Told me
3 to take off -- Well, he took the cuffs
4 off. He told me to take off jewelry,
5 et cetera.
6 Q. Who told you to do that?
7 A. Chris West. Told me to take off the
8 jewelry. So I took the jewelry off, put it
9 on the counter. And at this point they was
10 fixing to log whatever possessions in the
11 booking. Chris West put what was supposed
12 to have been my money on the counter, which
13 I see was only five twenties, \$100 bill. I
14 immediately asked him where is the rest of
15 my money. The deputy reached to get the
16 money and tried to count it. Chris West
17 snatched it out of his hand and told him
18 don't worry about it, put him in the hole.
19 They put me in the hole.
20 Q. How much did he put on the counter?
21 A. \$100, five twenties.
22 Q. Five twenties?
23 A. Uh-huh (positive response).

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1 Q. I take it at some point you had to have
2 been taken out of handcuffs, right --
3 A. Yes, sir.
4 Q. -- to take all your stuff off?
5 A. Yes, sir.
6 Q. When were you taken out of handcuffs?
7 A. Not -- A couple of minutes after coming
8 into booking after Chris got behind the
9 desk and told them to take me out of the
10 cuffs so I can take my belongings off.
11 Q. Who took you out of the cuffs?
12 A. The deputy.
13 Q. Was there anybody present in the room
14 besides you, the deputy, and Chris?
15 A. Kevin. And another lady in booking was
16 behind the desk.
17 Q. There was a lady in booking?
18 A. Uh-huh (positive response).
19 Q. What about Shawn Hutson, was he present?
20 A. Shawn Hutson wasn't in there.
21 Q. Where was the lady that you described being
22 in booking when the discussion of the money
23 occurred?

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- A. Standing right there. She was in her desk. But when Chris came in, she got up and Chris got in the desk and started getting the paper or whatever. She was standing right beside him when he put the money on the counter and I immediately said, man, that's not all my money, where is the rest of my money. And the deputy reached for it to start counting it and Chris snatched it from him and told him, don't worry about it, put him in the hole.
- Q. Do you remember what this lady's name was?
- A. I can't recall.
- Q. Can you describe her for me?
- A. I probably know her if I see her. It's been a while. I've seen her since I've been back up there. But I probably have to see her. I'm not sure if it's Ms. Cottrell. It's one of them. I don't know who is in booking. It was around two -- between two and 2:30 when we finally reached the facility that evening. From 12 that evening when the incident started, it

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- was two to 2:30 when I finally reached the building.
- Q. You're saying evening. 12 noon?
- A. It was somewhere around 12 noon when the incident began. When I finally arrived there, it was somewhere between two -- after two o'clock.
- Q. P.m. or a.m.?
- A. P.m.
- Q. Okay. I'm just making sure.
- All right. Now, you made a statement about your money there, a verbal statement; correct?
- A. Yes, sir.
- Q. At any time did you ever make a written statement about your money while you were in the jail?
- A. No, sir.
- Q. Did you ever file a grievance?
- A. No, sir.
- Q. Have you ever filed a report with any police agency about your money being taken?
- A. No, sir.

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- 1 Q. Did you ever talk to the sheriff about it?
- 2 A. No, sir.
- 3 Q. Did you ask for any medical attention?
- 4 A. I did upon going to jail, but I never did
- 5 get any.
- 6 Q. When did you first ask for medical
- 7 attention?
- 8 A. Approximately the next morning I told them
- 9 I had a headache and I had bumped my head;
- 10 I had lacerations on my wrists from the
- 11 cuffs being tight; I need to see a doctor;
- 12 but no response.
- 13 Q. How did you ask to get treatment?
- 14 A. They have a -- press the button for verbal
- 15 response and you have to fill out a paper,
- 16 a request or something for it. But I never
- 17 did get a chance to go.
- 18 Q. Did you fill out the paper?
- 19 A. Actually, I don't even recall. I can't
- 20 really be certain. But I know I mashed the
- 21 intercom to request a doctor.
- 22 Q. Do you know who you would have spoken to?
- 23 A. At the time it was just the jailer on duty

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- 1 in the booth, whoever was in the booth at
- 2 that time.
- 3 Q. And you don't know who that is?
- 4 A. I can't recall.
- 5 Q. Was that the only time you asked?
- 6 A. Yes. After I didn't get no reply, I just
- 7 left it alone.
- 8 Q. Was there anyone who witnessed you asking
- 9 for medical attention besides the person
- 10 you talked to in the booth?
- 11 A. Inmates.
- 12 Q. Do you recall any of their names?
- 13 A. I don't really -- didn't know anybody in
- 14 there. Just dayroom area people. I don't
- 15 know any of them.
- 16 Q. You didn't know any of them at the time?
- 17 A. Not the present day when I requested
- 18 medical treatment.
- 19 Q. Have you spoken to anybody who was an
- 20 inmate in there with you since then?
- 21 A. No.
- 22 Q. As you sit here today, you can't tell me
- 23 any names of any of the inmates who were in

Page 129

1 there with you?

2 A. Maybe one or two that I got to know while I

3 was in there, but I haven't seen them since

4 I made bond.

5 Q. Who are they?

6 A. I know Joshua Bullard. He was in there. I

7 know it was somebody else in there I knew.

8 I can't really recall right now off the top

9 of my head.

10 Q. How long were you in the jail after being

11 placed in there on the 28th of June?

12 A. I made bond August 5th.

13 Q. How did you make bond?

14 A. Bail bondsman.

15 Q. Who arranged that?

16 A. My girlfriend and me.

17 Q. Who was your girlfriend?

18 A. Ernestine Powell.

19 Q. Ernestine?

20 A. Uh-huh (positive response).

21 Q. Powell?

22 A. Yes, sir.

23 Q. Are you still in contact with Ms. Powell?

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1 A. Yes.

2 Q. Where does she live?

3 A. Greenville.

4 Q. Have you got an address?

5 A. 22 Cherrywood Lane. She was on my bond.

6 Q. Did she put up the money?

7 A. Half of it.

8 Q. Half?

9 A. (Witness nods head).

10 Q. How much was your bond?

11 A. Initially 10,000. 10,000.

12 Q. There's an allegation in your amended

13 complaint at paragraph 39 that an aunt

14 tried to do a property bond for you. Who

15 was that aunt?

16 A. Marzett Wright.

17 Q. Can you spell that first name for me?

18 A. M-A-R-Z-E-T-T.

19 Q. W-R-I-G-H-T?

20 A. Yes, sir.

21 Q. Where does she live?

22 A. Mosses Highway.

23 Q. Do you have an address for that?

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1 A. Not right off the top of my head I don't.

2 Q. Was it her property that she was going to

3 put up for you?

4 A. Yes, sir.

5 Q. Do you know where that property is?

6 A. It's in Mosses.

7 Q. Is it her residence?

8 A. Yeah. Brick home.

9 Q. What happened with that?

10 A. From my understanding I talked with her

11 three times on the phone. She told me that

12 she contacted Sheriff Vaughner and he told

13 her that on first account that he would

14 give it some thought. Second account he

15 said -- he just blew it off. And the third

16 time he seen her that Wednesday and asked

17 him was he going to let her sign my bond.

18 He told her something to the effect I'm

19 going to let him sit there a while; I'll

20 have to think about it. And after that I

21 didn't even get in contact with her

22 anymore. She wouldn't try to do it, I

23 guess.

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1 Q. That's what supposedly Sheriff Vaughner

2 told her?

3 A. Yeah. That's what she told me Sheriff

4 Vaughner told her. She's the county

5 commissioner over District 5.

6 Q. Do you know what the value of her property

7 is there in Mosses?

8 A. Not exactly. I know it's a Jim Walter Home

9 she had purchased some years ago.

10 Q. Did she own it outright?

11 A. Yes, sir.

12 Q. Did you ever personally speak with Sheriff

13 Vaughner about your bond?

14 A. I requested to talk to Sheriff Vaughner but

15 never came through with the request. But

16 one day he did happen to come in the back

17 area where I did verbally ask him why

18 wouldn't he let my aunt sign my bond, and

19 he act as if he didn't know what I was

20 talking about. He told me, you give her a

21 call and he'll see what he can do. That's

22 what he told me that day.

23 Q. When was that?

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- A. Approximately a week after I had been in there, after she told me she had did all of that.
- Q. Okay. Did you have any visitation while you were in jail?
- A. Yes.
- Q. Who came to visit you?
- A. My aunt came once to retrieve my jewelry and the \$100.
- Q. Is that the same aunt that was going to put up the house?
- A. Shirley Marshall. It's my aunt. It's who I released \$99 to because I took a dollar for two aspirin I took in there. She took my jewelry and \$99 off the book to go toward my bond.
- (Defendant's Exhibit 12 was marked for identification.)
- Q. Since we're talking about that, let me show you Defendant's Exhibit 12. Have you ever seen Defendant's Exhibit 12 before, Mr. Marshall?
- A. Yes. I had to sign that to release my

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- jewelry and the money.
- Q. That's your signature there?
- A. Yes, sir.
- Q. And that's where Ms. Marshall came and picked up your property and your \$99.50 it says?
- A. Yes, sir.
- Q. Anybody else besides Ms. Marshall come and visit you?
- A. Girlfriend, Ernestine.
- Q. Anyone else?
- A. If anyone else came, I never saw them.
- Q. And you were able to make some telephone calls because you were telling me about talking to your Aunt Wright.
- A. Yes, sir.
- Q. Did you make any other telephone calls -- I tell you what. Let's back up and talk about the 28th of June when you were initially brought to the detention facility. Were you able to make a phone call that day?
- A. Yeah.

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- 1 Q. Who did you call?
- 2 A. My aunt, Shirley Marshall.
- 3 Q. Shirley Marshall?
- 4 A. Yes, sir.
- 5 Q. And what did y'all talk about?
- 6 A. I told her that I had been arrested and I
- 7 needed her to come up here and see could
- 8 she get me out.
- 9 Q. And what did she say?
- 10 A. Asked me what happened and where is she
- 11 going to get the money from. I told her to
- 12 come get my money and come get my jewelry
- 13 and pawn it and try to get some bail when I
- 14 get -- when I get a bond.
- 15 Q. What kind of telephone did you use to make
- 16 that call?
- 17 A. Phone right there on the desk.
- 18 Q. Just a regular old phone?
- 19 A. I guess the office phone they use in
- 20 booking. The phone in booking.
- 21 Q. Do they have phones in the detention
- 22 facility back in the dayroom areas and the
- 23 cell blocks?

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- 1 A. Yes, sir.
- 2 Q. Did you ever make any phone calls on those
- 3 phones?
- 4 A. Yes, sir.
- 5 Q. How does that work?
- 6 A. Got to call collect and get somebody on the
- 7 other end to accept.
- 8 Q. And who did you call on that phone -- on
- 9 those phones?
- 10 A. In the back?
- 11 Q. Yes, sir.
- 12 A. Called Marzett Wright a couple of times. I
- 13 called my uncle. Uncle tried to post
- 14 bond. Didn't come through.
- 15 Q. Which uncle was that?
- 16 A. My father -- father's brother from New
- 17 York. Now stays in Selma.
- 18 Q. What's his name?
- 19 A. John -- I want to say John Cowans. Call
- 20 him Bip.
- 21 Q. Bip?
- 22 A. Yeah. That's all I know him from my
- 23 childhood. Just moved from New York about

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1 three years ago.
 2 Q. Anybody else?
 3 A. I called Shirley and her daughter on
 4 three-way. That's mostly who I was getting
 5 to call. And I had her to call my lawyer,
 6 Charlotte, and go to Charlotte's office for
 7 me.
 8 Q. Who is Shirley's daughter? You said her
 9 daughter.
 10 A. Cherry Marshall.
 11 Q. How old is she?
 12 A. Just estimating. I don't know. She go
 13 along with Kevin. However old Kevin is.
 14 I'm the oldest of all of them. However old
 15 he is. 20-something. They're the same
 16 age.
 17 Q. Did anything happen to you while you were
 18 there at the detention facility?
 19 A. Nothing physical, no.
 20 Q. And you said you were there until the 5th
 21 of August; is that right?
 22 A. Yes, sir.
 23 Q. And you were released on bond?

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1 A. Yes, sir.
 2 Q. You didn't miss any work while you were in
 3 the jail; right?
 4 A. I wasn't working at the time.
 5 Q. So you didn't miss any work?
 6 A. No.
 7 Q. What happened after you got out of jail?
 8 A. Started trying to get a lawyer to see what
 9 was going on with the charges.
 10 Q. What charges did you have as a result of
 11 the June 28th incident?
 12 A. Pistol carrying without a permit and
 13 possession of a controlled substance.
 14 Q. What was the controlled substance?
 15 A. I don't know. That's all they told me,
 16 possession of a controlled substance.
 17 Q. They never told you what it was?
 18 A. No, sir.
 19 Q. Did you ever have to go to trial on those
 20 charges?
 21 A. Yes, sir.
 22 Q. What happened at trial?
 23 A. I came to trial with my lawyer. They

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1 called my name on the docket. And Chris
 2 West called my lawyer in the corner and she
 3 told me that he was throwing it out and I
 4 can go home.
 5 Q. That Chris West was throwing it out?
 6 A. That's who she was in the corner and, you
 7 know, had a little mediation with and came
 8 back to me.
 9 Q. Did you ever learn why it was thrown out?
 10 A. No. I ain't ever known. No. She just
 11 told me they was throwing it out. He asked
 12 her permission to come speak to me and told
 13 me I can pick my vehicle up the next day,
 14 which they had it impounded since that
 15 incident. This was January 4th or 5th I
 16 want to say before the 6th when I went to
 17 court.
 18 Q. Was there any damage to your vehicle?
 19 A. Yeah. Knocked out of alignment. Pipes was
 20 hanging down.
 21 Q. What kind of pipes?
 22 A. Exhaust. Exhaust pipe was rattling. Rear
 23 bumper bent.

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1 Q. Can you show me where on the pictures?
 2 A. You can see right there the bumper is bent
 3 up on the light where he rammed me at. And
 4 you can't really tell, but after I got it
 5 back out of the pound, it just drive like
 6 it wasn't the same car no more.
 7 Q. Looks like when you were describing where
 8 he hit you it was the -- was it the back --
 9 A. Yeah. It was pushed up.
 10 Q. -- driver's side right underneath the
 11 taillight there?
 12 A. And it have been also burglarized while it
 13 was in the pound. All the music equipment
 14 was stolen out, radio. The lock was
 15 jimmied out and the side glass was broke.
 16 Q. Where was the impound at?
 17 A. Randy's Impound in Ft. Deposit.
 18 Q. Did you ever get any money out of them or
 19 any redress for what happened to your car?
 20 A. They told me to call Chris West.
 21 Q. What all was taken out of the car?
 22 A. Stereo from the inside, all speakers,
 23 woofers and amps out of the trunk, CDs,

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et cetera.

Q. Anything else?

A. That's it.

Q. What happened to the gun?

A. I don't even know. All I know they stopped the case. I don't know anything else about it.

Q. Did they drop the charge on that too?

A. Yes.

Q. Has Mr. McWilliams ever come to you and asked for his gun back?

A. He asked me what happened to it. I told him it was in the car that day and as far as I know the police got it.

Q. How many times have y'all talked about that gun?

A. I've seen him on two or three occasions in the past two years since the incident and he asked me about whatever happened to his gun and I told him as far as I know the police got it.

Q. Well, has he blamed you for losing his gun?

A. I mean, he knows what happened that day.

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He ain't really pointing no blame. He just asked me was it -- what happened, can he go -- can he pick it up. I told him I don't know. I went to court and they tossed it is all I know.

Q. Do you know if he's ever tried to get it back?

A. I don't.

Q. When's the last time you talked to him?

A. I would have to say a couple months ago. Probably a couple months ago last incident.

Q. Did he ask you about the gun then?

A. Yeah.

Q. I'm sorry?

A. Yes, sir.

Q. Do you know who the prosecutor was in your case?

A. I really don't even know.

Q. Other than, of course, Kevin who was in the car with you, do you know of anybody else who claims to have witnessed the chase from County Road 7 up to where you wound up on Highway 21?

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1 A. No. I don't know anybody who have
2 claimed. All I know it was vehicles
3 passing along. I'm not sure who witnessed
4 it. But not anyone to my knowledge that I
5 know.

6 Q. You're talking about after y'all came to a
7 stop on 21?

8 A. Yeah. After we came to a stop it was some
9 vehicles started passing by.

10 Q. Did you recognize any of those vehicles?

11 A. I recognized one vehicle that stopped when
12 I was standing beside the road in my
13 boxers. It was relative -- a distant
14 relative that stay down the road from me.
15 And she turned around. Actually that's
16 when Chris stopped doing what he was doing
17 to go get the light and put on top of the
18 car because she slowed down when she saw me
19 beside the road and turned around and came
20 back down the road and they was waving them
21 on. And after that she went back up the
22 road. I ain't see her again.

23 Q. What's her name?

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1 A. Margaret, Margaret Wright.

2 Q. Margaret Wright?

3 A. Yes, sir.

4 Q. And where does she live at? Do you have an
5 address?

6 A. Right down the road. Dutch Bend area. I
7 don't know the number -- address. It's
8 right down the road from the residence
9 where I was residing at the time.

10 Q. Which way?

11 A. Approximately this far from where I'm at.
12 It's a caution light there.

13 Q. She lives down by the caution light past
14 your house going out towards Wilcox County?

15 A. Yeah.

16 Q. Any other vehicles that you recognized pass
17 by that day?

18 A. I didn't recognize any other vehicle.

19 Q. Has anyone come up to you and said they
20 witnessed your vehicle being knocked off
21 the road?

22 A. No, sir.

23 Q. Do you know of anyone who has claimed to

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1 have witnessed that?

2 A. No, sir.

3 Q. And, again, I'm excluding Kevin because I

4 know he was involved.

5 Anyone besides Margaret Wright that

6 you're aware of who witnessed what happened

7 after you were stopped there at the side of

8 the road?

9 A. No, sir.

10 Q. Is there anyone else besides you who can

11 testify about the \$500 that you supposedly

12 had on you that day?

13 A. As far as I know Kevin. No one else.

14 Q. How would Kevin know that you had \$500 on

15 you that day?

16 A. Because the motor we was pulling out for

17 one I had took small -- a payment on from

18 my cousin. I had sold him the engine. We

19 was pulling the engine out of his car to

20 put the engine that I sold him in.

21 Q. You had already collected payment for that?

22 A. He had gave me like \$50 toward it. But he

23 still owed me the balance after we get the

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1 car back running. We was pulling the dead

2 engine out. But I had sold him an engine,

3 but we hadn't ever got a chance to put it

4 in.

5 Q. So that money that you had that day \$50 of

6 it was from him. And who is he? What's

7 his name again?

8 A. That would be Herman. His name is Herman,

9 the one that owned the car.

10 Q. \$50 from Herman and the other \$450 was left

11 over from your gambling winnings. Is that

12 what your testimony is?

13 A. The \$50 he had previously given me -- I had

14 money that I saved. It may have been the

15 \$50. But I had \$1,000 from gambling, you

16 know. That's what was left over from

17 everything, you know.

18 Q. So explain to me again how the \$50 for the

19 engine ties in with Kevin knowing that you

20 had \$500 on you.

21 A. Because during the time that Herman came to

22 purchase the engine, he gave me \$50 toward

23 it. Kevin would see that I reached in my

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1 pocket and had more than \$50 in my pocket.

2 He was staying with me at the time.

3 Q. So he just knows that you had more than \$50

4 on you?

5 A. Yes, sir.

6 Q. Is that what you're telling me?

7 A. Yeah.

8 Q. To your knowledge, does he know exactly how

9 much you had on you?

10 A. No. I don't think he knows exact amount.

11 He just knows I had more than that.

12 Q. What damages are you claiming that you're

13 entitled to as a result of Chris West's

14 conduct?

15 A. Well, for one I can't seem to acquire

16 employment since this incident. In my

17 field of warehousing every time I apply for

18 a job I'm being turned down since the

19 incident happened. And I usually acquire

20 employment very rapidly. I claim the

21 damage to my vehicle that I have lost, my

22 possessions, lost bond money, loss of time

23 of suffering in jail for something I didn't

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1 have.

2 Q. Let me stop you there real quick. Didn't

3 you tell me that your girlfriend put up the

4 bond money?

5 A. She put up half of it. The rest of it was

6 mine.

7 Q. How much did you put up?

8 A. I put up like 450 --

9 Q. \$450?

10 A. -- that I recovered from pawning my jewelry

11 and the money left over that I had on the

12 book. She put up the rest.

13 Q. I'm sorry. I interrupted you. The bond

14 money and what else?

15 A. Like I said, my vehicle damages I lost

16 there. And just me sitting in jail for

17 something I didn't do. I mean, it's just

18 unfair.

19 Q. You haven't had any medical expenses;

20 right?

21 A. No, sir.

22 Q. And you weren't employed at the time?

23 A. No, sir.

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Q. You told me that you still have the knot on your head. Are there any other permanent conditions that you have as far as your body goes as a result of what happened on June 28th?

A. Just that -- Just a lot of mental anguish, just suffering, anxiety attacks. A lot of nights I can't sleep at night for being shot at. I already been robbed. It took me a while to get over that. I had a gun put in my face behind that. It took me a while to get over that.

Q. I'm not asking about your mental condition right now. I'm just asking about your body condition. Anything besides the knot on your head?

A. Oh, no. Just that knot left when I hit the steering wheel, as far as that.

Q. Describe your mental anguish for me that you're talking about.

A. I just -- I just have a lot of nights where I can't sleep, just anxiety attacks a lot about the whole ordeal and --

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Q. Describe an anxiety attack for me.

A. Just nightmares of being shot at and ran off the road by the police and being suspect every time I'm being sighted in Lowndes County by the police. I'm getting strange looks. Or stopped like the incident where I went to jail. It was supposed to be a traffic stop, but they called Shawn Hutson who was on the drug task force that day. Every time they lay eyes on me they harass me about stuff like that even though I just -- I don't understand.

Q. Have you seen Chris West again since that day?

A. I haven't seen Chris West since I went to court in January '06.

Q. So that's the only time you saw him?

A. Uh-huh (positive response).

Q. So he hasn't pulled you over since then; right?

A. No. I haven't seen him.

MR. WILFORD: Let's take a short

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break.

(Brief recess was taken.)

Q. Just a few more questions, Mr. Marshall, and we'll be done. With respect to the anxiety attacks and things that you were telling me about, have you tried to get any kind of mental health treatment for that?

A. Well, right now I'm in dire straits. I can't afford anything. I haven't seeked any professional help for it. I've just been trying to deal with the stress, you know. Somehow I hope it goes away over time.

Q. You say you haven't tried. Your interrogatory responses you told us you couldn't afford it. I'm just asking you if you've tried.

A. No, sir, I haven't.

Q. Has anybody recommended to you that you try to get some mental health treatment?

A. I haven't referred to anybody. It's all on my own.

Q. After the robbery that you described for us

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today, did you get any mental health treatment for that?

A. No, sir.

Q. Did you try?

A. No, sir.

Q. Did anybody recommend to you that you needed it?

A. Just deal with my own -- on my own. I really don't have anybody but me, so I try to deal with things among myself. But it took a little time for me to get my mind-set back, you know, where I can be out around people. Everybody just -- I feel like they out to get me, you know.

Q. Are you set back right now as you put it?

A. I'm still having some anxiety attacks at night. Still can't sleep some nights. But if I'm somewhere around some people, you know, I'm fairly being compromised. I kind of cope with it.

Q. You told me earlier -- I need to go back on you a little more when you were first brought into booking. Chris West said

Page 153

1 something about put him in the hole.
 2 A. Yes, sir.
 3 Q. Were you put in a hole?
 4 A. The holding cell up front. That's what I
 5 meant.
 6 Q. So you were placed in the holding cell?
 7 A. Yes, sir.
 8 Q. At some point you were put back in the
 9 back; is that right?
 10 A. I think later that night dressed me out and
 11 took me to a cell.
 12 Q. So you stayed in a holding cell for a few
 13 hours?
 14 A. Yes, sir.
 15 Q. Is that fair to say?
 16 A. Yes, sir.
 17 Q. I think that's all I have. Thank you very
 18 much.
 19 A. Thanks.
 20 EXAMINATION
 21 BY MR. LEWIS:
 22 Q. I have one question. When you're standing
 23 up there on the side of the road in your

Page 154

1 boxer shorts, how were you feeling then?
 2 A. Humiliated because traffic was coming along
 3 and people seeing me beside the road in
 4 cuffs in my underwear.
 5 MR. LEWIS: Okay. That's it.
 6 (Deposition was concluded at
 7 approximately 1:55 p.m.)
 8
 9
 10 *****
 11 FURTHER DEPONENT SAITH NOT
 12 *****
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23

Page 155

1 REPORTER'S CERTIFICATE
 2 STATE OF ALABAMA:
 3 MONTGOMERY COUNTY:
 4 I, Lyn Daugherty, Certified Shorthand
 5 Reporter and Commissioner for the State of Alabama
 6 at Large, do hereby certify that I reported the
 7 deposition of:
 8 RICHARD MARSHALL
 9 who was duly sworn by me to speak the truth, the
 10 whole truth and nothing but the truth, in the
 11 matter of:
 12 RICHARD MARSHALL,
 13 Plaintiff,
 14 vs.
 15 CHRIS WEST, in his individual
 16 capacity, LASHUN HUTSON, in his
 17 individual capacity,
 18 Defendants.
 19 IN THE UNITED STATES DISTRICT COURT
 20 FOR THE MIDDLE DISTRICT OF ALABAMA
 21 NORTHERN DIVISION
 22 Civil Action No. 2:06-cv-701-ID.CSC
 23 on Wednesday, November 14, 2007.

Page 156

1 The foregoing 155 computer-printed pages
 2 contain a true and correct transcript of the
 3 examination of said witness by counsel for the
 4 parties set out herein. The reading and signing is
 5 hereby waived.
 6 I further certify that I am neither of kin
 7 nor of counsel to the parties to said cause nor in
 8 any manner interested in the results thereof.
 9 This 13th day of December 2007.
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23

Lyn Daugherty, ACCR #66
 Expiration Date: 9-30-2008
 Certified Court Reporter
 And Commissioner for the
 State of Alabama at Large

EXHIBIT 1

1 Yes	1 Yes
2 No	2 No

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

1 ORI # AL0450000		2 AGENCY NAME LOWNDES		3 CASE # 1415802		4 BFX	
5 LAST, FIRST, MIDDLE NAME MARSHALL RICHARD JAMES				6 ALIAS AKA			
7 SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	8 RACE <input type="checkbox"/> W <input checked="" type="checkbox"/> B <input type="checkbox"/> O	9 HGT. 5	10 WGT. 240	11 EYE BRO	12 HAIR BLK	13 SKIN DRK	14 <input type="checkbox"/> SCARS <input type="checkbox"/> MARKS <input type="checkbox"/> TATTOOS <input type="checkbox"/> AMPUTATIONS
15 PLACE OF BIRTH (CITY, COUNTY, STATE) LOWNDES CO			16 SSN 4 2 4 - 9 4 - 2 6 6 0		17 DATE OF BIRTH 0 2 2 4 7 4 33		18 MISCELLANEOUS ID #
19 SID #		21 FINGERPRINT CLASS KEY MAJOR PRIMARY BCDV SUB-BRONDARY FINAL		22 DL # 60118769		23 ST AL	
24 FBI #		25 HENRY CLASS NCIO CLASS		26 IDENTIFICATION COMMENTS ALABAMA DR. LICENSE			
27 RESIDENT <input checked="" type="checkbox"/> NON-RESIDENT		28 HOME ADDRESS (STREET, CITY, STATE, ZIP) 101 S BURBANK DR BIRMINGHAM AL 36117		29 RESIDENCE PHONE 334-227-3444		30 OCCUPATION (BE SPECIFIC)	
31 EMPLOYER (NAME OF COMPANY/SCHOOL) UNEMPLOYED				32 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP)		33 BUSINESS PHONE	
34 LOCATION OF ARREST (STREET, CITY, STATE, ZIP) HWY 21 HAYNEVILLE AL				35 RECTOR #		36 ARRESTED FOR YOUR JURISDICTION? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
37 CONDITION OF <input type="checkbox"/> DRUNK <input checked="" type="checkbox"/> ROPE <input type="checkbox"/> OTHER		38 RESIST ARREST? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		39 INJURED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		40 OFFICER <input checked="" type="checkbox"/> ARRESTEE	
41 DATE OF ARREST 0 6 1 0 7 6:15		42 TIME OF ARREST 6:15		43 DAY OF ARREST 0 6 1 0 7		44 TYPE ARREST <input checked="" type="checkbox"/> ON VIEW <input type="checkbox"/> CALL WARRANT	
45 CHARGE-1 <input type="checkbox"/> FEL <input checked="" type="checkbox"/> MISC FTA/NO SEATBELT		46 CHARGE-2 <input type="checkbox"/> FEL <input checked="" type="checkbox"/> MISC FTA/OPER VEH W/O INSURANCE		47 CHARGE-3 <input type="checkbox"/> FEL <input checked="" type="checkbox"/> MISC		48 CHARGE-4 <input type="checkbox"/> FEL <input checked="" type="checkbox"/> MISC	
49 STATE CODE/LOCAL ORDINANCE TR 05 001404		50 DATE ISSUED 0 9 1 6 0 5		51 STATE CODE/LOCAL ORDINANCE TR 05 001405		52 DATE ISSUED 0 9 1 6 0 5	
53 CHARGE-5 <input type="checkbox"/> FEL <input checked="" type="checkbox"/> MISC		54 CHARGE-6 <input type="checkbox"/> FEL <input checked="" type="checkbox"/> MISC		55 CHARGE-7 <input type="checkbox"/> FEL <input checked="" type="checkbox"/> MISC		56 CHARGE-8 <input type="checkbox"/> FEL <input checked="" type="checkbox"/> MISC	
57 STATE CODE/LOCAL ORDINANCE		58 WARRANT #		59 DATE ISSUED		60 STATE CODE/LOCAL ORDINANCE	
61 ARREST DISPOSITION <input checked="" type="checkbox"/> HELD <input type="checkbox"/> TOT-LE <input type="checkbox"/> BAIL <input type="checkbox"/> OTHER		62 IF OUT ON RELEASE WHAT TYPE?		63 ARRESTED WITH (1) ACCOMPLICE (FULL NAME)		64 ARRESTED WITH (2) ACCOMPLICE (FULL NAME)	
65 VYN		66 VMA		67 VMO		68 VBT	
69 VCO TOP		70 VCO BOTTOM		71 TAG #		72 LTB	
73 VIN		74 IMPOUNDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		75 STORAGE LOCATION/IMPOUND #			
76 OTHER EVIDENCE SEIZED/PROPERTY SEIZED							
77 JUVENILE <input type="checkbox"/> HANDLED AND RELEASED <input type="checkbox"/> REF. TO WELFARE AGENCY <input type="checkbox"/> REF. TO ADULT COURT <input type="checkbox"/> REF. TO JUVENILE COURT <input type="checkbox"/> REF. TO OTHER POLICE AGENCY							
78 PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME)				79 ADDRESS (STREET, CITY, STATE, ZIP)		80 PHONE	
81 PARENT EMPLOYER				82 OCCUPATION		83 ADDRESS (STREET, CITY, STATE, ZIP)	
84 DATE AND TIME OF RELEASE 0 6 1 3 0 7 12:00				85 RELEASED TO By Judge		86 AGENCY/DIVISION 50	
87 PERSONAL PROPERTY RELEASED TO ARRESTEE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> PARTIAL				88 PROPERTY NOT RELEASED/HELD AT:		89 PROPERTY #	
90 REMARKS (NOTE ANY INJURIES AT TIME OF RELEASE) 29' NEGATIVE U.G.							
91 SIGNATURE OF RECEIVING OFFICER SGT. MARLYN MEALING				92 SIGNATURE OF RELEASING OFFICER Sgt. Brutton			
93 MULTIPLE CASES CLOSED		94 CASE #		95 BFX		96 CASE #	
97 ARRESTING OFFICER (LAST, FIRST, M.) DURANT, I		98 ID # 508		99 ARRESTING OFFICER (LAST, FIRST, M.)		100 ID #	
101 SUPERVISOR		102 ID #		103 WATCH CMDR.		104 ID #	

TYPE OR PRINT IN BLACK INK ONLY

ACJIC-34 REV. 10-80

EXHIBIT 2



EXHIBIT 3



EXHIBIT 4



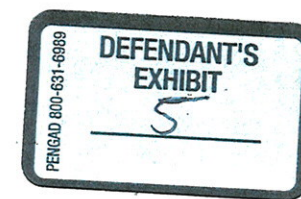
EXHIBIT 5



Sorry! When printing directly from the browser your map may be incorrectly cropped. To print the entire map, try clicking the **"Printer-Friendly"** link at the top of your results page.

MAPQUEST

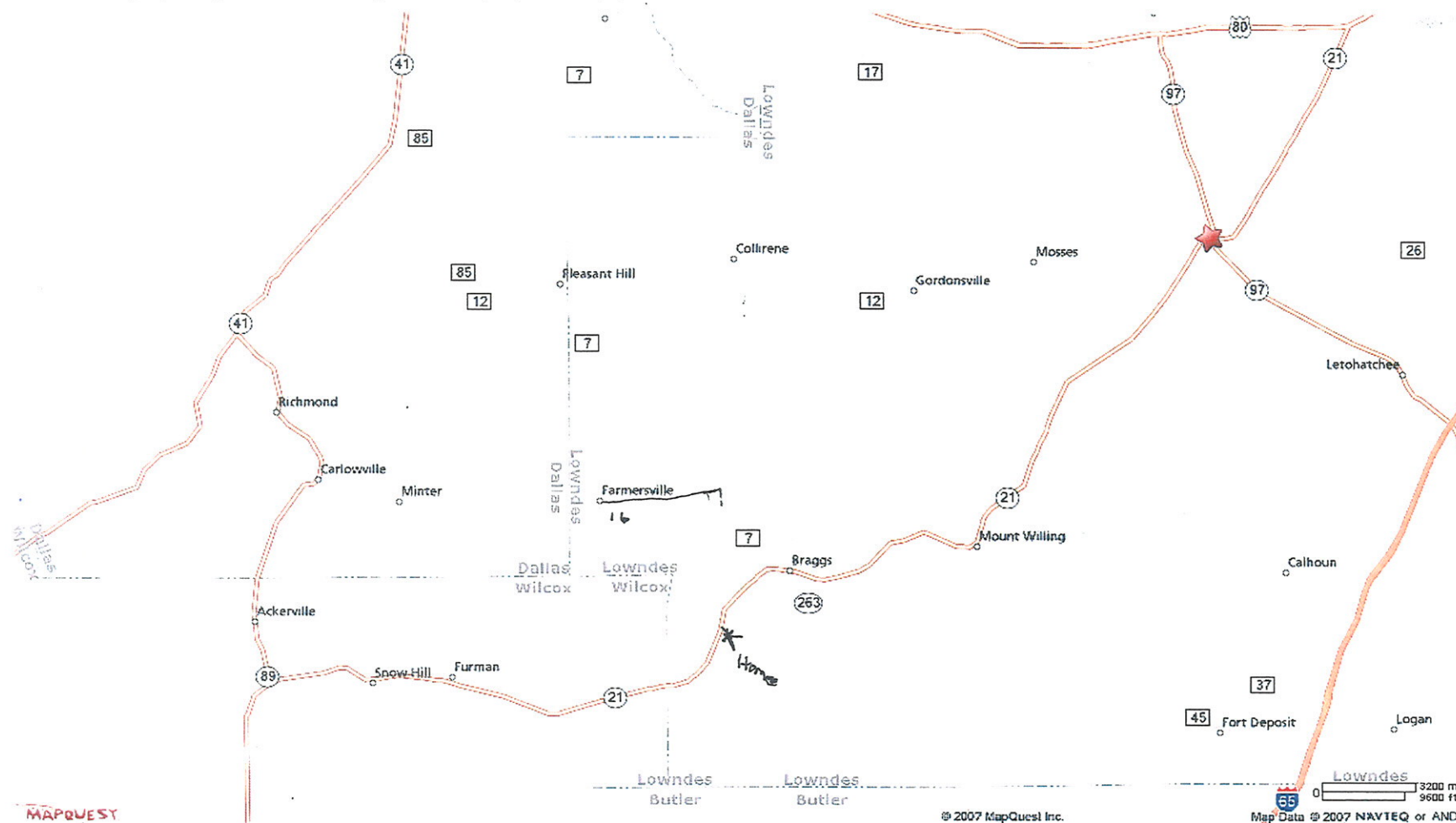
an AOL Company



★ Hayneville, AL US



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EXHIBIT 6

1. NAME (Last, First, Middle) <i>Carmichael, Kelvin Jerome</i>						2. FILE NUMBER	
3. ALIAS(ES)/NICKNAME(S) <i>"K.C."</i>			4. DATE <i>6-28-05</i>	S <input checked="" type="checkbox"/> T <input type="checkbox"/> M <input type="checkbox"/> W <input type="checkbox"/> F <input type="checkbox"/>	TIME <i>3:25pm</i>	5. PLACE OF INTERVIEW <i>Lo Co. Det. Facility</i>	
6. HOME ADDRESS <i>3571 Wilmingtton Rd. Montgomery, AL</i>						7. HOME PHONE <i>281-6739 (Carmichael)</i>	
8. NAME & ADDRESS OF EMPLOYER						9. BUSINESS PHONE	
10. RACE <i>Blk</i>	11. SEX <i>M</i>	12. D.O.B. <i>9-25-80</i>	13. P.O.B. <i>Montgomery</i>	14. SOC <i>418-15-5023</i>		15. DLN	16. STATE
17. HGT <i>5'10</i>	18. WGT <i>215</i>	19. HAIR <i>Blk</i>	20. EYES <i>Bro</i>	21. SCARS, MARKS, TATTOOS, AMPUTATIONS <i>"Flaco" Left Bicep</i>			
22. VEH. YEAR	23. MAKE	24. MODEL	25. COLOR	26. VIN	27. LICENSE	28. STATE	
29. STATEMENT <i>When my cousins got threw taking a motor out we were heading to his house when a car pulled up on the side of us. at first I didn't know who it was and I kept asking my cousin who it was but he said he didn't know but by the time I looked for myself and realized that it was the police I advised my cousin to pull over but by that time we were already sliding off the road. I didn't have a gun or anything because I had just left my aunts house taking a motor I don't know what was thrown out the window because I really weren't paying attention because I was tired from taking a motor out earlier this morning. All I saw was that he put his arm out the window. I saw the gun but it wasn't mine while I was riding with my cousin Richard Marshall. (357 revolver chrome) KC.</i>							
30. ACJIC/NCIC CHECK YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		31. FINGERPRINTED YES <input type="checkbox"/> NO <input type="checkbox"/> BY WHAT AGENCY: PHOTOGRAPHED YES <input type="checkbox"/> NO <input type="checkbox"/> BY WHAT AGENCY					
32. SUBJECT <input type="checkbox"/> VICTIM <input type="checkbox"/> WITNESS <input checked="" type="checkbox"/>		33. DATE ENDED <i>6-28-05</i>		TIME ENDED <i>3:50</i>		34. INTERVIEW CONDUCTED BY: <i>[Signature]</i>	
RIGHTS GIVEN BY: <i>Witnessing Martin</i>		35. PAGE <i>1</i>		OF		36. EXHIBIT NO.	

EXHIBIT 7



EXHIBIT 8



EXHIBIT 9



14 12:32 AM

EXHIBIT 10



EXHIBIT 11



EXHIBIT 12

LOWNDES COUNTY DETENTION FACILITY

INMATE PROPERTY RELEASE SLIP

I Shirley Marshall picked up the property of
Richard Marshall from the Lowndes County

Detention Facility.

List of property: 2 neckles 2 Brackets 3 rings deapin
and ~~100.00~~ \$99.50

Sign:

Richard Marshall

Date:

7-1-05

Correction Officer

L. Jamil McInney

Correction Officer

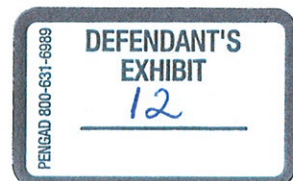


EXHIBIT F

**Drug Task Force Case File for Case No: 05-06-011, "Case File",
Alabama Uniform Incident/Offense Report**

ACJIC--32 REV. 6-84

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC

INCIDENT/OFFENSE REPORT CONTINUED		95 DATE AND TIME OF REPORT		96 CASE #		97 SFX		98 OFFENDER SUSPECT MISSING PERSON		CHECK IF MULTIPLE	
06/28/05 8:21		05-06-0111									
99 NAME (LAST, FIRST, MIDDLE)				100 NICKNAME/ALIAS				101 RACE		102 SEX	
Marshall, Richard J.				"Blood"				<input checked="" type="checkbox"/> B <input type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> I		<input checked="" type="checkbox"/> M <input type="checkbox"/> F	
105 ADDRESS (STREET, CITY, STATE ZIP)				106 HGT		107 WGT		108 EYE		109 HAIR	
101 S. Burbank Drive Montgomery, Alabama				59		160		Bro		Blk	
111 PROBABLE DESTINATION				112 ARMED?		113 WEAPON					
				<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> UNK		Rossi 357 Magnum					
114 CLOTHING				<input type="checkbox"/> SCARS		<input type="checkbox"/> MARKS		<input type="checkbox"/> TATTOOS		115 <input type="checkbox"/> ARRESTED <input type="checkbox"/> WANTED	
116 NAME (LAST, FIRST, MIDDLE)				117 NICKNAME/ALIAS				118 RACE		119 SEX	
								<input type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> I		<input type="checkbox"/> M <input type="checkbox"/> F	
122 ADDRESS (STREET, CITY, STATE, ZIP)				123 HGT		124 WGT		125 EYE		126 HAIR	
128 PROBABLE DESTINATION				129 ARMED?		130 WEAPON					
				<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> UNK							
131 CLOTHING				<input type="checkbox"/> SCARS		<input type="checkbox"/> MARKS		<input type="checkbox"/> TATTOOS		132 <input type="checkbox"/> ARRESTED <input type="checkbox"/> WANTED	
133 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				134 ADDRESS (STREET, CITY, STATE, ZIP)				135 RES. PHONE		136 BUS. PHONE	
#1 Hutson, L				DTF				()		()	
#2								()		()	
#3								()		()	
#4								()		()	
WITNESS #1 SSN				WITNESS #2 SSN				WITNESS #3 SSN			
<p>137 Offender failed to stop for Agents after being blue lighted throwing drug evidence out of the drivers side window as the chase progressed. Offender was forced off the road and had to be forced to the ground and forced to comply. Subject conducted himself in an extremely violent manner as if maybe under the influence of a controlled substance. Subject was arrested and transported to the Lowndes County Detention Facility.</p>											
<p>CONTINUED ON SUPPLEMENT <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> X</p>											
<p>ASSISTING AGENCY ORI</p>											
<p>ASSISTING AGENCY CASE #</p>											
<p>SFX</p>											
<p>I hereby affirm that I have read this report and that all information given by me is correct to the best of my knowledge. I will assume full responsibility for notifying the agency if any stolen property or missing person hereby reported is returned</p>											
<p>SIGNATURE</p>											
<p>138 LOCAL USE</p>											
<p>139 STATE USE</p>											
<p>140 CASE #</p>											
<p>141 SFX</p>											
<p>142 CASE #</p>											
<p>143 SFX</p>											
<p>144 CASE #</p>											
<p>145 SFX</p>											
<p>146 ADDITIONAL CASES CLOSED NARRATIVE</p>											
<p>147 CASE STATUS</p>											
<p>148 CASE DISPOSITION</p>											
<p>149 REPORTING OFFICER</p>											
<p>150 ASSISTING OFFICER</p>											
<p>151 SUPERVISOR APPROVAL</p>											
<p>152 WATCH CMDR</p>											

EXHIBIT G

**Case File, 2nd Judicial Drug Task Force Drug Agent
Statement Form of Lt. West**

2nd Judicial Drug Task Force
Drug Agent
Statement Form

Date: June 28, 2005

Time: 7:32pm

Today at about 1:00 pm I along with Agent Lashun Hutson were traveling North on Lowndes County Road 7 when we met Mr. Richard Marshall's blue Chevrolet Nova. I immediately turned around in an attempt to catch up with the vehicle. As we caught up with the vehicle I observed that neither the driver or the passenger were wearing seatbelts, we placed our blue light on the dash of our vehicle to gain the attention of the driver to pull the vehicle over. The driver looked out the window and screamed that he wasn't going to pull the vehicle over. I then pulled beside his vehicle and we showed the driver Mr. Marshall our badges identifying ourselves as law enforcement officers. He still insisted that he would not pull his vehicle over responding in a very violent manner. This incident occurred approximately 2 miles from the Lowndes County Road 7 and Alabama Highway 21 intersection. As we got to the intersection Mr. Marshall turned right onto highway 21 picking up speed and throwing drug evidence out of the driver's window at about the 102 mile marker. We also observed Mr. Marshall moving around in the seat and with his right hand constantly doing something down in the seat. We pursued Mr. Marshall for another 2.4 miles before forcing his vehicle from the roadway. The vehicle came to rest on the embankment on the opposite side of the highway. Once off the highway Agent Hutson and I took cover behind the doors of our vehicle (weapons drawn). I instructed Mr. Marshall to exit his vehicle and get on the ground. He got out of the vehicle but stood in the door still responding violently and not complying with us, at that time I fired my service weapon into the ground in an attempt to quicken Mr. Marshall into compliance but still he did not comply. Next I approached Mr. Marshall and forced him to the ground experiencing some resistance yet having to force his hands behind his back so as to handcuff him. Agent Hutson approached the passenger's side of the vehicle and removed the passenger after I secured Mr. Marshall. After securing Mr. Marshall I noticed a revolver style handgun on the seat of the vehicle and bullets lying on the seat and in the floor. Mr. Marshall was arrested and transported to the Lowndes County Detention

Facility. I later returned to the area of highway 21 where I observed Mr. Marshall throwing out the evidence. While walking the roadway I located and recovered an empty torn baggie that at one time had contained cocaine.

Signature

A handwritten signature in black ink, consisting of several overlapping, stylized strokes, written over a horizontal line.

EXHIBIT H

**Case File, 2nd Judicial Drug Task Force Drug Agent
Statement Form of Agent Hutson**

2nd Judicial Circuit
Drug Task Force
Statement Form

Date: June 28, 2005

Time: 18:20

Name: Agent G. LaShun Hutson

On above date at approximately 1:00 pm myself and Lt. C.S. West were traveling North on County Road 7 in Lowndes County when we met Mr. Richard Marshall traveling South in a early model blue Chevrolet Nova. Lt. West stated "That's the vehicle" and began to turn around in an attempt to catch up to the vehicle. Once behind the vehicle the blue light was placed on the dash of our vehicle to alert the driver that he was being stopped, the driver looked in his rear view mirror and left side mirror and continued to drive and began to move around in the seat and appeared to be reaching for something in the seat with his right hand, I stated to Lt. West " Lt. he's moving around a lot I don't think he's going to stop" at which time Lt. West stated "I don't either," at that point we were approximately 2 ½ miles from the intersection of County Road 7 and State Highway 21. Lt. West pulled our vehicle along side Mr. Marshall and I showed him my badge and the blue light and yelled for him to pull over at which time Mr. Marshall stated " Man what the fuck ya'll want" and continued to drive North on County Road 7. We reached State Highway 21 and Mr. Marshall turned south and accelerated at one point throwing something from the driver side window that we later found to be drug evidence between the 102 and 104 mile marker. Mr. Marshall continued South on State Highway 21, Lt. West came along side Mr. Marshall for a second time and I again yelled to Mr. Marshall to pull over at which time he stated "Motherfuck ya'll, I ain't stoppin" At that point Lt. West forced Mr. Marshall to the shoulder of the road and we exited our vehicle with our guns drawn and ordered Mr. Marshall to exit his vehicle with his hands where we could see them, Mr. Marshall exited his vehicle with a very belligerent attitude and cursing. Lt. West ordered Mr. Marshall to get on the ground and Mr. Marshall turned as if he was

getting back into the vehicle and Lt. West fired his service weapon into the ground and stated "Don't get back in that vehicle, get on the ground" Mr. Marshall paused , still being belligerent and cursing at which time Lt. West approached him and put him on the ground by force and cuffed him during which time I had turned my attention to the passenger and approached his side of the vehicle and removed him without incident and cuffed. Once both parties were secure Lt. West and I looked into the vehicle and saw what later became known to us as a Rossi .357 Revolver fully loaded with 6 (six) Hollow Point bullets and an additional 34 (thirty-four) more bullets in the ash tray and on the floor, I asked Mr. Marshall was that his weapon on the seat and he stated "What ever you see is yours because you put it there, ya'll motherfuckers good for that shit." Mr. Marshall and his passenger were taken to the John Hullett Detention Facility to be processed by a Lowndes County Sheriff Deputy as Lt. West and I returned to the area where we saw Mr. Marshall throw something from the car and Lt. west recovered a empty torn baggie that at one time had contained a controlled substance.

Signature: _____

A handwritten signature in black ink, appearing to be "A. G. T.", written over a horizontal line.

EXHIBIT I

Case File, Interview Sheet of Kelvin Carmichael

Witness Meeting

EXHIBIT J

Case File, Warrant Deposition

State of Alabama Unified Judicial System	DEPOSITION		Warrant/Summons Number <u>WR06-426-436</u>	
Form CR-57 (front) Rev. 8/98	Case Number			
IN THE <u>District</u> COURT OF <u>Lauderdale County</u> , ALABAMA (Circuit, District or Municipal) (Name of Municipality or County)				
<input type="checkbox"/> STATE OF ALABAMA <input type="checkbox"/> MUNICIPALITY OF _____ v. _____ Defendant				
INSTRUCTIONS: COMPLETE THE FOLLOWING INFORMATION ON THE ACCUSED				
Name of Accused (or Alias) <u>Richard T. Marshall</u>			Telephone Number	
Social Security Number <u>424-94-2660</u>	Driver's License Number	Date of Birth <u>2-29-74</u>	Age <u>31</u>	Race <u>31</u>
Height <u>5'9"</u>	Weight <u>160</u>	Hair <u>Blk</u>	Eyes <u>Bro</u>	Complexion <u>Dk</u>
Address of Accused (or Alias) <u>108 S. Burbank Dr.</u>		City <u>Montgomery</u>	State <u>AL</u>	Zip Code
Name of Employer			Employer's Telephone Number	
Address of Employer		City	State	Zip Code
INSTRUCTIONS: COMPLETE THE FOLLOWING INFORMATION ON THE OFFENSE				
Offense: <u>Poss. of Controlled Sub. / Pistol w/o Permit</u>				
Date and Time of Offense: <u>6-28-05</u>				
Place of Occurrence: <u> Hwy 21 South Haysville AL</u>				
Person Attacked or Property Damaged: <u>Front End of Undercover Police Vehicle</u>				
How Attacked:				
Was accused under the influence of alcohol or a controlled substance? <input type="checkbox"/> Yes <input type="checkbox"/> No				
Any law enforcement agency contacted? <input type="checkbox"/> Yes <input type="checkbox"/> No				
If yes, which one?				
Did Accused Possess or Use a Weapon? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Type: <u>Rossi 357 Magnum</u>				
Did you go to the hospital? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
Damage Done or Injuries Received:				
Value of Property: <u>Unk. 2002</u>				
Details of Offense: <u>Offender attempted to elude DTF Agents at the same time throwing drug evidence out of the window. Offender was forced from the roadway onto the ^{opposite} side of the roadway where his vehicle came to rest. Offender was not wearing a seat belt and was highly belligerent, cursing, very combative and obviously highly agitated. There also was a passenger in the vehicle. Both individuals were detained and transported to the Lauderdale County Detention Facility.</u>				
<input type="checkbox"/> Check if additional pages are necessary.				

Form CR-57 (back)

Rev. 8/98

DEPOSITION

Any Law Enforcement Agency Contacted? ☐ Yes ☐ No
 If yes, which one? _____

I make this statement for the purpose of securing a WARRANT/SUMMONS against the named of accused. I understand that I am instituting a criminal proceeding and cannot dismiss this case. I further understand that if any of the foregoing facts are untrue, I may, in addition to any other punishment provided by law, be taxed with court costs in this proceeding.

Sworn to and Subscribed before me this

June day of 1605
Cheney
 Judge/Clerk/Magistrate

[Signature]
 Complainant

Social Security Number
DTF

Address

Phone Number: _____

WITNESSES

Name

Address

Telephone Number

C West
L Hotsos

DTF
DTF

MAGISTRATE NOTES

Warrant or Summons issued? ☐ Yes ☐ No

Warrant Number: _____

U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

April 17, 2006

www.atf.gov

IN: 776045 06 0076

enant Christopher West
edicial Drug Task Force
ville, Alabama

Agent West:

Property listed below is currently in your possession.
At the request of the Bureau of Alcohol, Tobacco and
Firearms (ATF) that you transfer custody of the property to
until a final conclusion can be made as to the use of
evidence in a prosecutable case. ATF will notify you
politically when the property is no longer needed in the
local investigation in that the property can be returned.
evidence/weapons are further described as follows:

- Rossi, .357 caliber revolver, serial number
F161600.
- Ammunition.

At the event you should have additional questions or
concerns, please do not hesitate to contact me @ (334) 206-
or via correspondence at the address above.

Thank you in advance.

Sincerely submitted,



Michael J. Durham
Ident Agent in Charge

EXHIBIT K

Documents submitted to and received from BATFE

* AOC COURT # 10DC9700069400 *
* DISP-DISMISSED DATE OF DISP-04/25/97 *
* OFFENSE - LARC-THEFT OF PROP 1ST DEG * *Dismissed*

*ARREST-02 01/16/1998 *
* AGENCY-UNIV OF AL DEPT PUBLIC SAF ORI(AL0630300) *
* LOCAL CASE # 78167 NAME USED-MARSHALL,RICHARD J *
* ----- *
* CHARGE 01 : ARREST & DISP BASED ON R84!!-HARASSMENT *
* AOC COURT # 63DC9800042400 *
* DISP-CONVICTED DATE OF DISP-02/11/98 * *To be reviewed*
* OFFENSE - PUBLIC PEACE-HARASSMENT (NOT/DV ON AOC)MISD *
* SENTENCE- SUSPEND : 30D * *Use A Dept of Public Safety 20-30000*
OR AL 0630300

SEQ # 0056 MRI # 115171□

□2EA.*06/28/2005 14:06 AL0450001 PAGE NO: 2 *
*ATN/AGENT HUTSON *
*OPR/GRESHAM *
*TOTAL NUMBER OF ARRESTS- 2 *
*RECORD UPDATED 03/16/04 *
*ALL ALABAMA ARRESTS RECEIVED BY ACJIC ARE INCLUDED *
*IN THIS REPORT. WHEN EXPLANATION OF A CHARGE OR *
*DISPOSITION IS NEEDED, COMMUNICATE DIRECTLY WITH *
*THE ARRESTING AGENCY THAT FURNISHED THE DATA. *
*RECORD IS CONFIDENTIAL AND INTENDED FOR USE *
*BY CRIMINAL JUSTICE AGENCIES ONLY. *
*ATN/AGENT HUTSON *
*OPR/GRESHAM *
*LAST PAGE ON SSN 424942660 *

SEQ # 0058 MRI # 115174□

□2EA.14:11 06/28/2005 115176

AL0450001
THIS NCIC INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR
INQUIRY ON NAM/MARSHALL,RICHARD JAMES SEX/M RAC/B DOB/19740224
SOC/424942660 PUR/C
NAME FBI NO. INQUIRY DATE
MARSHALL,RICHARD JAMES 490191EB7 2005/06/28

SEX RACE BIRTH DATE HEIGHT WEIGHT EYES HAIR BIRTH PLACE PHOTO
M B 1974/02/24 509 160 BRO BLK ALABAMA N

FINGERPRINT CLASS PATTERN CLASS
AA 09 CO CO 08 AU RS AU WU RS AU WU LS LS
AA CI CI CI 09 LS WU LS WU
RS

ALIAS NAMES

STATE OF ALABAMA,
IN THE DISTRICT COURT OF
TUSCALOOSA COUNTY
vs.
Richard James Marshall
Defendant
Case Number DC 98-424

EXPLANATION OF RIGHTS

You have a complaint filed against you which is a misdemeanor offense. If you plead guilty to said crime, or if the Judge finds that you are guilty of said crime, the law provides for punishment by imprisonment in the County Jail for not less than Zero days for such offense plus a fine of -0- to \$500.00 nor more than 3 months with costs taxed to you.

Under the Constitution of the United States and of the State of Alabama, you have the right or privilege not to be compelled to give evidence against yourself. In the trial of your case before the Judge, you have the right to take the witness stand and to testify on your own behalf, if you so desire, but no one can require you to testify. If you testify, you can be cross-examined by the State. If you do not testify, no one can even comment to the Judge as to your failure to testify. You have the right to remain absolutely silent, but anything that you voluntarily say, with knowledge of your rights may be used against you.

You have the right to have an attorney. If you are unable to afford an attorney because of indigency and face a possible jail sentence, an attorney will be appointed for you without charge, if you so choose. You should advise the court that you would like an attorney appointed and make known to the court whether or not you claim indigency. If you claim indigency, you must complete an affidavit of substantial hardship and submit this form to the court. The court will determine whether or not you are indigent and if so, appoint an attorney to represent you. Your conversations with your attorney are confidential and cannot, and will not, be disclosed by your attorney.

You have the right to stand on your plea of not guilty, and the right to a public trial before the District Court Judge. In a trial, the Judge would determine whether you are guilty or whether you are not guilty, or whether you are innocent, based upon the evidence in the case.

In the trial of your case, you or your attorney could subpoena witnesses to testify on your behalf; make legal objections to matters that you or he felt were objectionable; cross-examine the witnesses of the State; examine your own witnesses, and argue the matter before the Judge. Your attorney would be bound to do everything that he could honorably and reasonably do to see that you obtain a fair and impartial trial.

In the trial of your case, you will come into court clothed with a presumption that you are not guilty and this presumption of innocence will follow you throughout the course of the trial until the evidence produced by the State convinces the Judge beyond a reasonable doubt of your guilt.

The burden of proof is upon the State of Alabama to convince the Judge from the evidence in the case that you are guilty beyond a reasonable doubt before the Judge would be authorized to find you guilty. If the State does not meet such burden of proof, it will be the Judge's duty to find you not guilty. You will have no burden of proof whatsoever in your trial.

To the charges set forth in the complaint, you have the right to enter a plea of guilty, not guilty, not guilty by reason of insanity or any other special plea. You should enter a plea of guilty only if you are actually guilty of said crime. If you are in doubt as to whether you are or are not guilty, this court suggests that you enter a plea of not guilty and require the prosecution to prove its case against you.

Your attorney will go over these rights with you, but if you have any questions about any of them, please ask the undersigned Judge and he will make further explanation thereof to you.

If you plead not guilty and are found guilty by the Judge, then you have 14 days to appeal the judgment to the Circuit Court and have it tried before a jury.

This the 11 day of February

1998
[Signature]

EXPLANATION OF RIGHTS

I know that I am charged with the offense(s) of Harassment and I have read the above Rights form and am completely knowledgeable about those rights guaranteed me by the Constitution of the United States and the State of Alabama.

I plead Not Guilty ☐ Guilty ☒
I wish to waive my right to be represented by an attorney ☒
I wish to be represented by an attorney ☐

Richard Marshall
Defendant

61 McCordy Hall
Address Tuscaloosa, AL

397-5769
Phone Number
Eric Hilde

Employer

Attorney for defendant

FILED

FEB 11 1998

ELIZABETH HAMMER, CLERK
TUSCALOOSA DISTRICT COURT

ACSO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: DC 98 000424.00
 OPER: KEJ CASE ACTION SUMMARY
 PAGE: 1 DISTRICT CRIMINAL RUN DATE: 01/21/98
 IN THE DISTRICT COURT OF TUSCALOOSA JUDGE: DDD

STATE OF ALABAMA VS MARSHALL RICHARD JAMES
 MCCOVEY HALL 2ND STREET
 APT 101
 TUSCALOOSA, AL 35487 0000
 CASE: DC 98 000424.00

DOB: 02/24/74 SEX: M RACE: B HT: 0 00 WT: 000 HR: EYES:
 SSN: 424942660 ALIAS NAMES:
 CHARGE1: HARASSMENT CODE1: HARA LIT: HARASSMENT TYP: M
 MORE?: OFFENSE DATE: 01/10/98 AGENCY/OFFICER: UAPD ANDERS

DATE WAR/CAP ISS: DATE ARRESTED: 01/10/98
 DATE INDICTED: DATE FILED: 01/21/98
 DATE RELEASED: 01/10/98 DATE HEARING:
 BOND AMOUNT: \$500.00 SURETIES:

DATE 1: 02/11/98 DESC: DOCK TIME: 0900 A
 DATE 2: DESC: TIME: 0000

DEF/ATY: TYPE:
 PROSECUTOR: TYPE:
 OTH CSE: CHK/TICKET NO: 9800011800 GRAND JURY:
 COURT REPORTER: SID NO: 000000000 OPER: KEJ
 DEF STATUS: BOND DEMAND:
 DATE ACTIONS, JUDGEMENTS, AND NOTES

2/2/98 Mailer for 2/11/98 on 1/30/98 & CW Subp. Lm. / Sub
 2/11/98 APG. State rec. Batt Program & 30 days
 susp for 2 years. (AJ) Explained length of BP
 & costs. (AJ)

2/11/98 After full rights given by the court, Defendant voluntarily and
 intelligently pleads guilty, Judgment Guilty and Defendant fined
 \$ _____ and Defendant is hereby sentenced to serve 30
 days at hard labor for Tuscaloosa County. It is hereby ordered
 and adjudged that the execution of the above and foregoing
 sentence be suspended for a period of 2 yrs, pending
 behavior of the Defendant. Defendant to pay costs and
 \$ 25 VCA. Clerk may accept partial payments. Case
 continued to 3/11/98 B.P.

District Judge

2/11/98 Order
 2/11/98 Expl. of rights
 2/19/98 Deposition
 2/27/98 Mailer for 3/11/98

ACSO369 ALABAMA JUDICIAL INFORMATION CENTER

CASE ACTION SUMMARY
CONTINUATIONCASE: DC 98 000424.00
JUDGE ID: DDD

STATE OF ALABAMA VS MARSHALL RICHARD JAMES

DATE ACTION, JUDGMENTS, CASE NOTES

3/11/98 D Case - only for 40-10 in BP -
2'd 4-15-98 in full + BP. Negot
JK

4/3/98 Mailer for 4/15/98

4/15/98 Court 6/10/98 case to be
complete JK

4/15/98 FCS

5/29/98 Mailer for 6/10/98

6/10/98 ~~case~~ copies (4)

6/10/98 FCS report.

6-12-98 still over case - prison copies
wait - ~~all~~ ~~sent~~ #

6/13/98 recall wait - remit 10 - case (1) - JK

6-12-98
JKwait
for
remittance

JK

STATE OF ALABAMA

ORDER FOR DOMESTIC VIOLENCE
INTERVENTION PROGRAMIN THE DISTRICT COURT OF
TUSCALOOSA COUNTY, ALABAMACASE NO. DC 98-424

VS.

Richard James Marshall
DEFENDANT.**ORDER**

The Defendant is hereby ordered to the **Domestic Violence Intervention Program**. Accordingly, the Defendant is ORDERED to do each of the following:

1. Within Seven (7) days of today's date, you will go to Family Counseling Service and pay the fee (\$30) to set up your screening interview. You must take this order with you. **You do not need to call.** Family Counseling Service is located at 2020 Bryant Drive, Tuscaloosa, Alabama, 35401, one block west of Alabama Power Company. Office hours are 9:00 A.M. until 4:30 P.M. Monday through Friday. 752-2504

2. You will attend each scheduled meeting as recommended by the staff of Family Counseling Service. The Domestic Violence Intervention Program is a series of twelve group meetings which you must attend. You will cooperate fully and honestly and you will follow each rule and recommendation of Family Counseling Service and its staff.

3. You will pay for the twelve group meetings at Family Counseling Service at \$30 per session. You must take the fee with you as you attend each meeting.

4. Family Counseling Service shall provide a brief written report (referencing the Defendant's name and case number) regarding your compliance and progress prior to your return court date.

5. Failure of the Defendant to attend sessions or cooperate fully shall result in termination from the Domestic Violence Intervention Program and further action by the Court.

6. ANY VIOLATION OF THIS ORDER, OR ANY FUTURE ILLEGAL ACT, WILL RESULT IN TERMINATION FROM THE PROGRAM, AN ARREST WARRANT BEING ISSUED AND A POSSIBLE JAIL SENTENCE.

7. You will return on court on 3-11-, 1998. **FILED** FEB 11 1998

Done this Feb 11, 1998.

ELIZABETH HAMNER, CLERK
TUSCALOOSA DISTRICT COURT


DISTRICT JUDGE

W A R R A N T

STATE OF ALABAMA

TUSCALOOSA COUNTY

DISTRICT COURT

AGENCY NUMBER: 9801032

WARRANT NUMBER: WR 98 000118.00
OTHER CASE NBR:

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST RICHARD JAMES MARSHALL AND BRING HIM/HER BEFORE THE DISTRICT COURT OF TUSCALOOSA COUNTY TO ANSWER THE STATE OF ALABAMA ON A CHARGE(S) OF:

HARASSMENT CLASS:C TYPE:M
AND HAVE YOU THEN AND THERE THIS WRIT WITH YOUR RETURN THEREON.

YOU WILL RECEIVE UNTO YOUR CUSTODY AND DETAIN HIM/HER UNTIL THE DAY OF _____ 19____, OR UNTIL LEGALLY DISCHARGED.

DATED THIS 16 DAY OF JANUARY, 1998.

BOND SET AT: (1) \$500.00 BOND TYPE:
(2) _____
(3) _____

JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: HARASSMENT

13A-011-008 (A)(1)

M MISDEMEANOR

NAME: RICHARD JAMES MARSHALL
ADDRESS: MCCOVEY HALL 2ND STREET
ADDRESS: APT 101
CITY: TUSCALOOSAALIAS:
ALIAS:

STATE: AL

ZIP: 00000 0000

EMPLOYMENT:
DOB: 02/24/74 RACE: B SEX: M HAIR:
EYE: HEIGHT: 0'00" WEIGHT: 000
SID: 000000000 SSN: 000000000

E X E C U T I O N

EXECUTED THE WITHIN WARRANT BY ARRESTING THE DEFENDANT AND

☒ PLACING DEFENDANT IN THE TUSCALOOSA COUNTY JAIL☐ RELEASING DEFENDANT ON APPEARANCE BOND

THIS 16 DAY OF January 19 98

SHERIFF

Ronald R. Anders UA PD.

COMPLAINANT: RONALD ANDERS
UA PD

UNI OF ALABAMA AL 35486

OPERATOR: GEB

LAST UPDATE: 011698

FILED

JAN 21 1998

ELIZABETH HAMNER, CLERK
TUSCALOOSA DISTRICT COURT

ALABAMA JUDICIAL INFORMATION SYSTEM

* * * IN THE DISTRICT COURT OF TUSCALOOSA COUNTY * * *

AGENCY NUMBER: 9801032

WARRANT NUMBER: WR 98 000115.00
OTHER CASE NBR:

C O M P L A I N T

BEFORE ME THE UNDERSIGNED JUDGE/CLERK/MAGISTRATE OF THE DISTRICT COURT OF TUSCALOOSA COUNTY, ALABAMA, PERSONALLY APPEARED RONALD ANDERS WHO BEING DULY SWORN DEPOSES AND SAYS THAT HE/SHE HAS PROBABLE CAUSE FOR BELIEVING, AND DOES BELIEVE THAT RICHARD JAMES MARSHALL WHOSE NAME IS OTHERWISE UNKNOWN TO THE COMPLAINANT

DID ON OR ABOUT 011098, WITH THE INTENT TO HARASS, ANNOY OR ALARM ANOTHER PERSON, TO-WIT: SHERVON BAITY, DID EITHER
(X) STRIKE, SHOVE, KICK OR OTHERWISE TOUCH THE SAID SHERVON BAITY OR SUBJECT HIM/HER TO PHYSICAL CONTACT BY STRIKING HER WITH HIS HANDS, OR;

() DIRECT ABUSIVE OR OBSCENE LANGUAGE, MAKE AN OBSCENE GESTURE OR A THREAT, TO-WIT: _____
TOWARD ANOTHER PERSON, TO-WIT: _____ OF THE CODE OF ALABAMA, IN VIOLATION OF 13A-011-008 (A)(1) AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.


COMPLAINANT'S SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 16 DAY OF JANUARY, 1998.


JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: HARASSMENT 13A-011-008 (A)(1) M MISDEMEANOR

WITNESS FOR THE STATE

RONALD ANDERS/UA PD/UNI OF ALABAMA/35486
SHERVON BAITY/MCCOY HALL 2ND STREET/APT 101/TUSCALOOSA/35487

OPERATOR: GEB DATE: 01/16/98

0098-424

CHARGE: Domestic Violence (Harassment) WARRANT NO. WSK 98 000118
CASE NO. 98-01-032

DEPOSITION AND CHARGE SHEET

Personally appeared before me, Ronald Anders, being by me first duly sworn,
deposes and says:

On 01/10/98 at 02:15 PM the following incident occurred:

Def: RICHARD JAMES MARSHALL Alias NONE

Address: MCCORMY HALL 2ND ST 119A TUSC. AL 35457 State AL Zip 35457

DOB: 02/24/74 Race B Sex M Ht. 5'9" Hair BLK Eyes BRN

did ON 1-10-98 AT APPROX 0200 WRITER R.R ANDERS RESPONDED TO APT 101
MCCORMY HALL ON A REPORT OF A MAN HITTING A FEMALE. WHEN WRITER
ARRIVED AT THE APT THE VICTIM SHERIDAN BAILEY WAS SITTING IN THE HALLWAY
WEARING ONLY A PAIR OF PANTIES AND HOLDING A TORN TEE SHIRT. THE VICTIM
HAD SWELLING UNDER HER LEFT EYE AND SCARF MARK ON HER NECK. THE
COMPLAINANT IS THE VICTIM'S EIGHT YEAR OLD DAUGHTER. AT THIS TIME WRITER
TALKED WITH THE SUSPECT WHO STATED THEY WERE ARGUING AND HE HIT THE VICTIM.
THE SUSPECT STATED THE VICTIM HIT HIM ALSO, BUT NO MARKS WERE NOTED
BY WRITER. WRITER ARRESTED RICHARD MARSHALL FOR DOMESTIC VIOLENCE
AND PLACED HIM IN THE COUNTY JAIL ON A ARREST TICKET #776.

SWORN to and subscribed
before me this the 16
day of January,
19 98

Ronald Anders
Complainant's Signature

[Signature]
Magistrate

FILED

FEB 19 1998

ELIZABETH HAMNER, CLERK
TUSCALOOSA DISTRICT COURT

Code 1: _____ Code 2: _____ Code 3: _____

Agcy-ORI AL30300 Issued to: _____

WITNESS: _____

ALABAMA UNIFORM INCIDENT/OFFENSE REPORT

4.1.1.5 - 5.1.1.0 016.30.30.0011101918		1 INCIDENT 2 OFFENSE 3 CASE # 1 SUPPLEMENT 9.8.1.01 - 0.3.2		5 DATE AND TIME OF THIS REPORT 0215		6 AGENCY NAME UNIV OF AL DEPT OF PUBLIC SAFETY		7 IF SUPPLEMENT ORIGINAL OFFENSE DATE M D Y	
8 REPORTED BY VICTIM OR BARRY KIARA		9 ADDRESS (STREET, CITY, STATE, ZIP) MCCORMICK HALL APT 101 UVA TUSC. AL 35486		10 PHONE (205) 347-5769		11 PHONE (205) 347-5769		12 VICTIM (LAST, FIRST, MIDDLE NAME) BARRY SHERIDAN R	
13 EMPLOYER/SCHOOL UNIV OF AL STUDENT		14 ADDRESS (STREET, CITY, STATE, ZIP) MCCORMICK HALL APT 100 UVA TUSC. AL 35486		15 PHONE ()		16 OCCUPATION STUDENT		17 ADDRESS (STREET, CITY, STATE, ZIP)	
18 RESIDENT <input checked="" type="checkbox"/> RESIDENT <input type="checkbox"/> NON-RESIDENT		19 INJURY <input checked="" type="checkbox"/> Y <input type="checkbox"/> N		20 RACE <input checked="" type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> O <input type="checkbox"/> N		21 SEX <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE		22 HGT 5 11	
23 WGT 160		24 DOB 11 10 21 69		25 AGE 28		26 WAS OFFENDER <input checked="" type="checkbox"/> Y <input type="checkbox"/> N		27 VICTIM WAS (EXPLAIN RELATIONSHIP) GIRLFRIEND	
28 TYPE INCIDENT OR OFFENSE DOMESTIC VIOLENCE HARASSMENT		29 DEGREE (CIRCLE) 1 2 3		30 STATE CODE/LOCAL ORDINANCE 13A-11-8(b)		31 TYPE INCIDENT OR OFFENSE NONE		32 DEGREE (CIRCLE) 1 2 3	
33 PLACE OF OCCURRENCE MCCORMICK HALL APT 101 UNIV OF AL CAMPUS TUSC. AL		34 ASSAULT <input checked="" type="checkbox"/> SIMPLE <input type="checkbox"/> AGGR.		35 TREATMENT FOR <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		36 POINT OF ENTRY <input checked="" type="checkbox"/> DOOR <input type="checkbox"/> ROOF <input type="checkbox"/> WINDOW <input type="checkbox"/> OTHER		37 METHOD OF ENTRY <input checked="" type="checkbox"/> FORCEFUL <input type="checkbox"/> ATT. FORCEFUL <input type="checkbox"/> NO FORCE	
38 OCCURRED ON OR BETWEEN 01 10 98		39 TIME 01:45		40 LIGHTING <input checked="" type="checkbox"/> NATURAL <input type="checkbox"/> ART. EXT. <input type="checkbox"/> ART. INT. <input type="checkbox"/> UNK.		41 WEATHER <input checked="" type="checkbox"/> CLEAR <input type="checkbox"/> CLOUDY <input type="checkbox"/> RAIN <input type="checkbox"/> FOG <input type="checkbox"/> SNOW <input type="checkbox"/> HAIL <input type="checkbox"/> UNK.		42 PREMISE <input checked="" type="checkbox"/> HWY.-ST.-ALLEY <input type="checkbox"/> BANK <input type="checkbox"/> DRUG STORE <input type="checkbox"/> APT./TWN. HSE. <input type="checkbox"/> SHOPPING CENTER <input type="checkbox"/> PARKING LOT <input type="checkbox"/> OTHER COMM. <input type="checkbox"/> OTHER	
43 VERIFY FOR <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		44 TREAT. FOR <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		45 CIRCUMSTANCES HOMICIDE & ASSAULT		46 LOCATION RAPE LOCATION RAPE		47 DESCRIPTION OF WEAPONS/FIREARMS/TOOLS USED IN OFFENSE DESCRIBE:	
48 QUANTITY 1		49 STOLEN, RECOVERED, LOST, FOUND OR DESTROYED (INCLUDE MAKE, MODEL, SIZE, TYPE, SERIAL NUMBER, COLOR, ETC.) NONE		50 DOLLAR VALUE STOLEN - DAMAGED		51 RECOVERED DATE VALUE		52 CONTINUED IN NARRATIVE	
53 MOTOR VEHICLE S R D C		54 CURRENCY, NOTES S R D C		55 JEWELRY S R D C		56 CLOTHING/PURS S R D C		57 FIREARMS S R D C	
58 ELECTRONICS S R D C		59 HOUSEHOLD S R D C		60 CONSUMABLE GOODS S R D C		61 LIVESTOCK S R D C		62 MISCELLANEOUS S R D C	
63 CHECK CATEGORIES <input checked="" type="checkbox"/> STOLEN <input type="checkbox"/> RECOVERED <input type="checkbox"/> SUSPECTS VEH. <input type="checkbox"/> VICTIMS VEH. <input type="checkbox"/> UNAUTH. USE <input type="checkbox"/> ABANDONED		64 # STOLEN 1		65 LIC. NONE		66 LIS. NONE		67 TAG COLOR NONE	
68 VTR NONE		69 VMA NONE		70 VMO NONE		71 VST NONE		72 VCO: TOP: BOTTOM:	
73 STOLEN NTR. VEH ONLY		74 AREA STOLEN <input checked="" type="checkbox"/> BUS. <input type="checkbox"/> RES. <input type="checkbox"/> PUR.		75 OWNERSHIP <input checked="" type="checkbox"/> TAG RECEIPT <input type="checkbox"/> BILL OF SALE <input type="checkbox"/> TITLE <input type="checkbox"/> OTHER		76 WARRANT SIGNED <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		77 PHONE ()	
78 AUTO INSURER NAME (COMPANY) ADDRESS (STREET, CITY, STATE, ZIP)		79 STOLEN IN YOUR JURISDICTION? <input type="checkbox"/> WHERE?		80 RECOVERED IN YOUR JURISDICTION? <input type="checkbox"/> WHERE?		81		82	

TYPE OR PRINT IN BLACK INK

ACJIC-32 REV 8-86

ALABAMA ~~UNIFORM~~ INCIDENT/OFFENSE REPORT SUPPLEMENT

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

1 ORI # 06130300		2 AGENCY NAME UNIV. OF AL Dept of Public Safety		3 DATE AND TIME OF REPORT 01/10/08 02:15		4 CASE # 98-01-032		5 SFX	
EVENT	6 VICTIM'S NAME (ORIGINAL REPORT) BAILY, SHARVON R.			7 ORIGINAL OFFENSE DATE 01/10/08		8 TYPE REPORT <input checked="" type="checkbox"/> CONTINUATION <input type="checkbox"/> FOLLOW-UP			
	9 ORIGINAL INCIDENT/OFFENSE DOMESTIC VIOLENCE			10 UCR CODE		11 STATE CODE/LOCAL ORDINANCE 13A-11-8(b)			
	12 NEW INCIDENT/OFFENSE			13 UCR CODE		14 STATE CODE/LOCAL ORDINANCE			
	15 HAS AN ARREST BEEN MADE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			16 DATE OF ARREST 01/10/08		17 HAS WARRANT BEEN OBTAINED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO WARRANT #		18 DATE OF WARRANT	
20 <input type="checkbox"/> DEFENDANT <input type="checkbox"/> SUSPECT		21 <input type="checkbox"/> DEFENDANT <input type="checkbox"/> SUSPECT		22 LOCAL USE					
NAME: RICHARD J. MARSHALL		NAME:		22 STATE USE					
RACE: <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		AGE: 23		23					
<p>NARRATIVE</p> <p>A GOLD CHAIN HAD BEEN PULLED FROM THE VICTIM'S NECK AND HER TEE SHIRT HAD BEEN TORN OFF. WRITER ARRESTED THE LISTED SUSPECT AND TRANSPORTED HIM TO THE TUSCALOOSA COUNTY JAIL AND PLACED INTO THE CUSTODY OF JAIL STAFF. THE SUSPECT WAS PLACED IN ON A COUNTY ARREST TICKET # 5776 WITH A \$500.00 CASH BOND. THE WARRANT WILL BE OBTAINED THROUGH THE CITY WARRANT CLERK. PHOTOGRAPHS AND A WRITTEN STATEMENT WAS OBTAINED FROM THE VICTIM. THE VICTIM'S TORN SHIRT WAS TAGGED AND PLACED IN THE EVIDENCE LOCKER.</p>									
<p>DOLLAR VALUE</p> <p>24 MOTOR VEHICLE S R D C</p> <p>25 CURRENCY, NOTES S R D C</p> <p>26 JEWELRY S R D C</p> <p>27 CLOTHING/FURS S R D C</p> <p>28 FIREARMS S R D C</p> <p>29 OFFICE EQUIPMENT S R D C</p> <p>30 ELECTRONICS S R D C</p> <p>31 HOUSEHOLD S R D C</p> <p>32 CONSUMABLE GOODS S R D C</p> <p>33 LIVESTOCK S R D C</p> <p>34 MISCELLANEOUS S R D C</p>									
<p>35 MOTOR VEH. RECOVERY ONLY REQUIRED FOR 36 UCR CODE</p> <p>36 MOTOR VEH. STOLEN IN YOUR JURISDICTION? <input type="checkbox"/> WHERE?</p> <p>37 RECOVERED IN YOUR JURISDICTION? <input type="checkbox"/> WHERE?</p>									
<p>37 CASE #</p> <p>38 SFX</p> <p>39 CASE #</p> <p>40 SFX</p> <p>41 CASE #</p> <p>42 SFX</p> <p>43 ADDITIONAL CASES CLOSED NARRATIVE</p>									
<p>44 CASE STATUS</p> <p><input type="checkbox"/> PENDING</p> <p><input type="checkbox"/> INACTIVE</p> <p><input checked="" type="checkbox"/> CLOSED</p> <p>45 ENTERED AGENCY DATE</p> <p>46 CASE DISPOSITION:</p> <p><input type="checkbox"/> CLEARED BY ARREST (JUV.)</p> <p><input checked="" type="checkbox"/> CLEARED BY ARREST (ADULT)</p> <p><input type="checkbox"/> UNFOUNDED</p> <p><input type="checkbox"/> ADM. CLEARED</p> <p><input type="checkbox"/> EXCEPTIONAL CLEARANCE:</p> <p><input type="checkbox"/> SUSPECT/OFFENDER DEAD</p> <p><input type="checkbox"/> OTHER PROSECUTION</p> <p><input type="checkbox"/> EXTRADITION DENIED</p> <p><input type="checkbox"/> LACK OF PROSECUTION</p> <p><input type="checkbox"/> JUVENILE, NO REFERRAL</p> <p><input type="checkbox"/> DEATH OF VICTIM</p> <p>47 REPORTING OFFICER R. R. ANDERS</p> <p>48 ASSISTING OFFICER E. D. KIRSH</p> <p>49 SUPERVISOR APPROVAL 46</p> <p>50 WATCH CMDR.</p>									

TYPE OR PRINT IN BLACK INK ONLY

ACJIC-33 REV. 11-94

ALABAMA UNIFORM ARREST REPORT

Fingerprinted	RB4 Completed
<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No	<input type="checkbox"/> No

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

IDENTIFICATION	1 ORI #	2 AGENCY NAME	3 CASE #	4 SFX
	5 LAST, FIRST, MIDDLE NAME	6 ALIAS AKA		
	7 SEX	8 RACE	9 HGT.	10 WGT.
	11 EYE	12 HAIR	13 SKIN	14 SCARS
ARREST	15 PLACE OF BIRTH (CITY, COUNTY, STATE)	16 SSN	17 DATE OF BIRTH	18 AGE
	19 MISCELLANEOUS ID #	20 SID #	21 FINGERPRINT CLASS	22 DL #
	23 IDENTIFICATION COMMENTS	24 FBI #	25 IDENTIFICATION COMMENTS	26 ST
	27 HOME ADDRESS (STREET, CITY, STATE, ZIP)	28 RESIDENCE PHONE	29 OCCUPATION (BE SPECIFIC)	30 BUSINESS PHONE
	31 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP)	32 BUSINESS PHONE	33 LOCATION OF ARREST (STREET, CITY, STATE, ZIP)	34 SECTOR #
	35 ARRESTED FOR YOUR JURISDICTION? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	36 IN STATE	37 OUT STATE	38 AGENCY
	39 ARRESTED?	40 DESCRIPTION OF WEAPON	41 DATE OF ARREST	42 TIME OF ARREST
	43 DAY OF ARREST	44 TYPE OF ARREST	45 ARRESTED BEFORE?	46 CHARGE-1
	47 UCR CODE	48 CHARGE-2	49 UCR CODE	50 STATE CODE/LOCAL ORDINANCE
	51 WARRANT #	52 DATE ISSUED	53 STATE CODE/LOCAL ORDINANCE	54 WARRANT #
VEHICLE	55 CHARGE-3	56 UCR CODE	57 CHARGE-4	58 UCR CODE
	59 STATE CODE/LOCAL ORDINANCE	60 WARRANT #	61 DATE ISSUED	62 STATE CODE/LOCAL ORDINANCE
	63 WARRANT #	64 DATE ISSUED	65 STATE CODE/LOCAL ORDINANCE	66 WARRANT #
	67 DATE ISSUED	68 STATE CODE/LOCAL ORDINANCE	69 WARRANT #	70 VTR
	71 VMA	72 VMD	73 VST	74 VCD TOP
	75 TAG #	76 LIS	77 LIV	78 VIN
	79 IMPOUNDED?	80 STORAGE LOCATION/IMPOUND #	81 OTHER EVIDENCE SEIZED/PROPERTY SEIZED	82 JUVENILE
	83 RELEASE TO	84 PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME)	85 ADDRESS (STREET, CITY, STATE, ZIP)	86 PARENTS EMPLOYER
	87 OCCUPATION	88 ADDRESS (STREET, CITY, STATE, ZIP)	89 DATE AND TIME OF RELEASE	90 RELEASING OFFICER NAME
	91 AGENCY/DIVISION	92 AGENCY ADDRESS	93 RELEASED TO:	94 AGENCY/DIVISION
RELEASE	95 PERSONAL PROPERTY RELEASED TO ARRESTEE	96 PROPERTY NOT RELEASED/HELD AT:	97 AGENCY ADDRESS	98 PROPERTY #
	99 REMARKS (NOTE ANY INJURIES AT TIME OF RELEASE)	100 SIGNATURE OF RECEIVING OFFICER	101 SIGNATURE OF RELEASING OFFICER	102 LOCAL USE
	103 STATE USE	104 CASE #	105 SFX	106 CASE #
	107 SFX	108 CASE #	109 SFX	110 ADDITIONAL CASES CLOSED
	111 ARRESTING OFFICER (LAST, FIRST, M.I.)	112 ID #	113 ARRESTING OFFICER (LAST, FIRST, M.I.)	114 ID #
	115 SUPERVISOR	116 WATCH CMDR.	117 ID #	118 WATCH CMDR.
	119 ID #	120 WATCH CMDR.	121 ID #	122 WATCH CMDR.
	123 ID #	124 WATCH CMDR.	125 ID #	126 WATCH CMDR.
	127 ID #	128 WATCH CMDR.	129 ID #	130 WATCH CMDR.
	131 ID #	132 WATCH CMDR.	133 ID #	134 WATCH CMDR.

TYPE OR PRINT IN BLACK INK ONLY

ACJIC-34 REV. 10-90

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION									
INCIDENT/OFFENSE REPORT CONTINUED		95 DATE AND TIME OF REPORT 01/11/09 02:15		96 CASE # 918-1011-032		97 SFX		98 OFFENDER <input type="checkbox"/> SUSPECT <input checked="" type="checkbox"/> MISSING PERSON	
99 NAME (LAST, FIRST, MIDDLE) MARSHALL, RICHARD JAMES				100 NICKNAME/ALIAS NONE		101 RACE <input type="checkbox"/> W <input checked="" type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		102 SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	
103 ADDRESS (STREET, CITY, STATE, ZIP) McCORVEY HALL Apt 101 UMA Tusc. AL 35466				104 HGT 5'9"		105 WGT 190		106 EYE BROWN	
107 PROBABLE DESTINATION Same				108 ARMED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK		109 HAIR BLACK		110 COMPLEXION DARK	
111 CLOTHING DARK COLORED CORDUROY PANTS, TEE-SHIRT				112 SCARS <input type="checkbox"/> MARKS <input type="checkbox"/> TATOOS <input type="checkbox"/>		113 WEAPON NONE		114 ARRESTED <input type="checkbox"/> WANTED <input type="checkbox"/>	
115 NAME (LAST, FIRST, MIDDLE) NONE				116 NICKNAME/ALIAS		117 RACE <input type="checkbox"/> W <input checked="" type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I		118 SEX <input type="checkbox"/> M <input checked="" type="checkbox"/> F	
119 ADDRESS (STREET, CITY, STATE, ZIP)				120 HGT		121 WGT		122 EYE	
123 PROBABLE DESTINATION				124 ARMED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK		125 WEAPON		126 SCARS <input type="checkbox"/> MARKS <input type="checkbox"/> TATOOS <input type="checkbox"/>	
127 CLOTHING				128 ARRESTED <input type="checkbox"/> WANTED <input type="checkbox"/>		129 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB		130 ADDRESS (STREET, CITY, STATE, ZIP)	
131 WITNESS #1 GSN				132 WITNESS #2 GSN		133 WITNESS #3 GSN		134 WITNESS #4 GSN	
135 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				136 ADDRESS (STREET, CITY, STATE, ZIP)		137 RES. PHONE		138 BUS. PHONE	
139 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				140 ADDRESS (STREET, CITY, STATE, ZIP)		141 RES. PHONE		142 BUS. PHONE	
143 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				144 ADDRESS (STREET, CITY, STATE, ZIP)		145 RES. PHONE		146 BUS. PHONE	
147 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				148 ADDRESS (STREET, CITY, STATE, ZIP)		149 RES. PHONE		150 BUS. PHONE	
151 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				152 ADDRESS (STREET, CITY, STATE, ZIP)		153 RES. PHONE		154 BUS. PHONE	
155 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				156 ADDRESS (STREET, CITY, STATE, ZIP)		157 RES. PHONE		158 BUS. PHONE	
159 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				160 ADDRESS (STREET, CITY, STATE, ZIP)		161 RES. PHONE		162 BUS. PHONE	
163 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				164 ADDRESS (STREET, CITY, STATE, ZIP)		165 RES. PHONE		166 BUS. PHONE	
167 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				168 ADDRESS (STREET, CITY, STATE, ZIP)		169 RES. PHONE		170 BUS. PHONE	
171 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				172 ADDRESS (STREET, CITY, STATE, ZIP)		173 RES. PHONE		174 BUS. PHONE	
175 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				176 ADDRESS (STREET, CITY, STATE, ZIP)		177 RES. PHONE		178 BUS. PHONE	
179 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				180 ADDRESS (STREET, CITY, STATE, ZIP)		181 RES. PHONE		182 BUS. PHONE	
183 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				184 ADDRESS (STREET, CITY, STATE, ZIP)		185 RES. PHONE		186 BUS. PHONE	
187 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				188 ADDRESS (STREET, CITY, STATE, ZIP)		189 RES. PHONE		190 BUS. PHONE	
191 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				192 ADDRESS (STREET, CITY, STATE, ZIP)		193 RES. PHONE		194 BUS. PHONE	
195 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				196 ADDRESS (STREET, CITY, STATE, ZIP)		197 RES. PHONE		198 BUS. PHONE	
199 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				200 ADDRESS (STREET, CITY, STATE, ZIP)		201 RES. PHONE		202 BUS. PHONE	
203 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				204 ADDRESS (STREET, CITY, STATE, ZIP)		205 RES. PHONE		206 BUS. PHONE	
207 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				208 ADDRESS (STREET, CITY, STATE, ZIP)		209 RES. PHONE		210 BUS. PHONE	
211 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				212 ADDRESS (STREET, CITY, STATE, ZIP)		213 RES. PHONE		214 BUS. PHONE	
215 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				216 ADDRESS (STREET, CITY, STATE, ZIP)		217 RES. PHONE		218 BUS. PHONE	
219 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				220 ADDRESS (STREET, CITY, STATE, ZIP)		221 RES. PHONE		222 BUS. PHONE	
223 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				224 ADDRESS (STREET, CITY, STATE, ZIP)		225 RES. PHONE		226 BUS. PHONE	
227 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				228 ADDRESS (STREET, CITY, STATE, ZIP)		229 RES. PHONE		230 BUS. PHONE	
231 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				232 ADDRESS (STREET, CITY, STATE, ZIP)		233 RES. PHONE		234 BUS. PHONE	
235 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				236 ADDRESS (STREET, CITY, STATE, ZIP)		237 RES. PHONE		238 BUS. PHONE	
239 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				240 ADDRESS (STREET, CITY, STATE, ZIP)		241 RES. PHONE		242 BUS. PHONE	
243 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				244 ADDRESS (STREET, CITY, STATE, ZIP)		245 RES. PHONE		246 BUS. PHONE	
247 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				248 ADDRESS (STREET, CITY, STATE, ZIP)		249 RES. PHONE		250 BUS. PHONE	
251 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				252 ADDRESS (STREET, CITY, STATE, ZIP)		253 RES. PHONE		254 BUS. PHONE	
255 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				256 ADDRESS (STREET, CITY, STATE, ZIP)		257 RES. PHONE		258 BUS. PHONE	
259 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				260 ADDRESS (STREET, CITY, STATE, ZIP)		261 RES. PHONE		262 BUS. PHONE	
263 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				264 ADDRESS (STREET, CITY, STATE, ZIP)		265 RES. PHONE		266 BUS. PHONE	
267 NAME (LAST, FIRST, MIDDLE) SEX, RACE,									

ALABAMA UNIFORM INCIDENT/OFFENSE REPORT

Case 2:06-cv-00701-ID-CSC Document 33-16 Filed 02/12/2008 Page 15 of 18

1 INCIDENT		2 OFFENSE		3 CASE #		4 SFX	
5 DATE AND TIME OF THIS REPORT		6 AGENCY NAME		7 OFFENSE DATE		8	
9 REPORTED BY		10 ADDRESS (STREET, CITY, STATE, ZIP)		11 PHONE		12	
13 VICTIM (LAST, FIRST, MIDDLE NAME)		14 ADDRESS (STREET, CITY, STATE, ZIP)		15 PHONE		16	
17 EMPLOYER/SCHOOL		18 OCCUPATION		19 ADDRESS (STREET, CITY, STATE, ZIP)		20 PHONE	
21 RESIDENT		22 RACE		23 SEX		24 AGE	
25 TYPE INCIDENT OR OFFENSE		26 DEGREE (CIRCLE)		27 STATE CODE/LOCAL ORDINANCE		28	
29 PLACE OF OCCURRENCE		30 METHOD OF ENTRY		31 ASSAULT		32 TREATMENT FOR	
33 OCCURRED ON OR BETWEEN		34 TIME		35 WEATHER		36 PREMISE	
37 VERIFY FOR		38 TREAT. FOR		39 CIRCUMSTANCES		40 LOCATION: RAPE	
41 WEAPON USED		42 DESCRIPTION OF WEAPONS/FIREARMS/TOOLS USED IN OFFENSE		43 DOLLAR VALUE		44 RECOVERED	
45 QUANTITY		46 STOLEN, RECOVERED, LOST, FOUND OR DESTROYED (INCLUDE MAKE, MODEL, SIZE, TYPE, SERIAL NUMBER, COLOR, ETC.)		47 STOLEN		48 DAMAGED	
49 MOTOR VEHICLE		50 CURRENCY, NOTES		51 JEWELRY		52 CLOTHING/FURS	
53 ELECTRONICS		54 HOUSEHOLD		55 CONSUMABLE GOODS		56 LIVESTOCK	
57 CHECK CATEGORIES		58 STOLEN		59 RECOVERED		60 SUSPECTS VEH.	
61 STOLEN		62 LIC.		63 LIB.		64 LIV.	
65 VEH.		66 YMA		67 YMO		68 VST	
69 VEH. ONLY		70 BUS.		71 RES.		72 RUR.	
73 AUTO INSURER NAME (COMPANY)		74 ADDRESS (STREET, CITY, STATE, ZIP)		75 WARRANT SIGNED		76 PHONE	
77 STOLEN IN YOUR JURISDICTION?		78 WHERE?		79 RECOVERED IN YOUR JURISDICTION?		80 WHERE?	

TYPE OR PRINT IN BLACK INK

ACJIC-32 REV 8-86

INCHES

1

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FAMILY COUNSELING SERVICE
2020 Bryant Drive
Tuscaloosa, Alabama 35401
(205) 752-2504

Date: 5-29-98

To: Judge Joel Chandler
Tuscaloosa District Court

From: Jacqueline Hellmow
Group Leader

Re: Richard James Marshall

FILED

JUN 10 1998

BETH HANNER, CLERK
TUSCALOOSA DISTRICT COURT

Case #: DC98-424

6/10

ATTENDANCE:

12 of 12 Sessions 0 Make-Up Session 1 Tardy

PERFORMANCE EVALUATION	No Progress	Poor	Average	Good	Excellent
Accepting responsibility for behavior	1	(2)	3	4	5
Recognition of violence as unacceptable	1	2	(3)	4	5
Increased ability to use nonviolent behavior	1	2	(3)	4	5
Modifying attitude towards opposite sex	1	(2)	3	4	5
Accepting partnership view in relationships	1	2	(3)	4	5
Development of assertive skills	1	(2)	3	4	5
Development of communication skills	1	(2)	3	4	5
Recognizing irrational thoughts	1	2	(3)	4	5
Changing irrational thoughts	1	2	(3)	4	5
Development of negotiation skills	1	(2)	3	4	5
Development of problem-solving skills	1	2	(3)	4	5
Recognition of stages of abuse cycle	1	(2)	3	4	5
Participation in class discussion	1	2	(3)	4	5
Progress demonstrated in homework	1	(2)	3	4	5
Completion of homework	1	2	(3)	4	5
Progress demonstrated in class discussion	1	(2)	3	4	5
Progress demonstrated in interaction with group leaders	1	(2)	3	4	5
Victims report of clients progress	1	2	3	4	5

Name: Richard James Marshall

Case #: DC98-424

DISCHARGE RECOMMENDATIONS

- ☐ Voluntary AA
☐ Voluntary Marriage Counseling
☐ Voluntary Individual Counseling
☐ Other: _____

REFERRAL TO MONTHLY DVIP FOLLOW-UP

- ☒ 3 Months ☐ 12 Months
☐ 6 Months ☐ No Further Recommendations
☐ Full Probationary Period

COMMENTS/NARRATIVE ASSESSMENT

Mr. Marshall's written and verbal responses
during his DVIP participation indicated that he
seemed to continue to focus on who his partners(s)
are, and their behavior(s) as a determinant of
his behavior. He expressed little motivation to
engage in behavior change activities.

Completion of the Domestic Violence Intervention Program is no guarantee of a change in the participant's behavior. The program seeks to offer education and insight to encourage change, but the actual change is at the discretion of each participant and remains beyond the ability of this program to control.



FAMILY COUNSELING SERVICE

2020 BRYANT DRIVE
TUSCALOOSA, AL 35401
205/752-2504

VERIFICATION OF PARTICIPATION

Family Counseling Service Board of Directors

President:
Junita Watson

Vice President:
Norman Carlson

Treasurer:
Toni Ingram

Secretary:
David Trustall

Robin Barton

Lacy Culpepper

Janet Ford

Kathryn Harwood

Greg Kimball

James Robinson

Carl Adreight, Jr.

Krisla Byrne

Samford E. Center

Everett Nix

Trid Northington

Sue Shelton

Steve Wilson

J. Rufus Beale

Glenn Lee Hancock, III

Thomas P. Hester

Riley Lumpkin

Diana Prince

Gilbert Scutell

Constance Wadlington

Wilfred W. Youngen

Executive Director:

George C. Shelton

To: Tuscaloosa District
Judge Chandler

From: Jacqueline Hill MSW, LCSW
Group Leader

Subject: Richard Marshall

Case#: DC98-424

This letter is to verify that the above named client is currently participating in the Domestic Violence Intervention Program. This program ends on May 25, 1998 and the final report will follow within 14 days.

If there is additional information I can provide, please feel free to contact me at 752-2504.

4/13/98
Date

Jacqueline Hill MSW
Group Leader

FILED

APR 15 1998

ELIZABETH HAMNER, CLERK
TUSCALOOSA DISTRICT COURT



EXHIBIT L

The remainder of the case file not identified as a separate exhibit

ALABAMA UNIFORM ARREST REPORT

Fingerprinted	Completed
<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="checkbox"/> No	<input type="checkbox"/> No

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

IDENTIFICATION	1 ORI# 0 4 5 0 7 0 0	2 AGENCY NAME Lowndes County Detention Facility	3 CASE # 0 5 0 6 8 8 8 4 2	4 SFX				
	5 LAST, FIRST, MIDDLE NAME MARSHALL, RICHARD JAMES			6 ALIAS AKA				
	7 SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	8 RACE <input type="checkbox"/> W <input checked="" type="checkbox"/> B <input type="checkbox"/> I	9 HGT. 5'09"	10 WGT. 160	11 EYE BRO	12 HAIR BLK	13 SKIN DRK	14 <input type="checkbox"/> SCARS <input type="checkbox"/> MARKS <input type="checkbox"/> TATTOOS <input type="checkbox"/> AMPUTATIONS
	15 PLACE OF BIRTH (CITY, COUNTY, STATE) ALABAMA		16 SSN 4 2 4 - 9 4 - 2 6 6 0	17 DATE OF BIRTH 0 2 2 0 4 7 4	18 AGE 31	19 MISCELLANEOUS ID #		
ARREST	20 SID #	21 FINGERPRINT CLASS KEY MAJOR PRIMARY SCDV SUB-SECONDARY FINAL HENRY CLASS NCIC CLASS	22 DL # 6018769	23 ST AL				
	24 FBI #	25 IDENTIFICATION COMMENTS						
	26 <input checked="" type="checkbox"/> RESIDENT <input type="checkbox"/> NON-RESIDENT	27 HOME ADDRESS (STREET, CITY, STATE, ZIP) 101 S BURBANK DR APT.D-10 MONTGOMERY, AL 36117	28 RESIDENCE PHONE ()	29 OCCUPATION (BE SPECIFIC) UNEMPLOYED				
	30 EMPLOYER (NAME OF COMPANY/SCHOOL)	31 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP) N/A	32 BUSINESS PHONE ()					
VEHICLE	33 LOCATION OF ARREST (STREET, CITY, STATE, ZIP) 21 SOUTH HAYNEVILLE ALABAMA		34 SECTOR #	35 ARRESTED FOR YOUR JURISDICTION? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> IN STATE <input type="checkbox"/> OUT STATE <input type="checkbox"/> AGENCY				
	36 CONDITION OF ARRESTEE: <input type="checkbox"/> DRUNK <input checked="" type="checkbox"/> SOBER <input type="checkbox"/> DRINKING <input type="checkbox"/> DRUGS	37 RESIST ARREST? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	38 INJURIES? <input checked="" type="checkbox"/> NONE <input type="checkbox"/> OFFICER <input type="checkbox"/> ARRESTEE	39 ARMED? <input type="checkbox"/> Y <input type="checkbox"/> N				
	41 DATE OF ARREST 0 6 2 8 0 5 04:00 <input type="checkbox"/> 1. AM <input checked="" type="checkbox"/> 2. PM	42 TIME OF ARREST	43 DAY OF ARREST S 1 2 3 4 5 6 7	44 TYPE ARREST <input checked="" type="checkbox"/> ON VIEW <input type="checkbox"/> CALL <input type="checkbox"/> WARRANT				
	45 CHARGE-1 POSS OF CONTROLLED SUB	46 UCR CODE 3532	47 CHARGE-2 PISTOL W/O PERMIT	48 UCR CODE 5299				
JUVENILE	50 STATE CODE/LOCAL ORDINANCE	51 WARRANT #	52 DATE ISSUED M D Y	53 STATE CODE/LOCAL ORDINANCE				
	54 CHARGE-3 <input type="checkbox"/> FEL <input type="checkbox"/> MISD	55 UCR CODE	56 CHARGE-4 <input type="checkbox"/> FEL <input type="checkbox"/> MISD	57 UCR CODE				
	60 STATE CODE/LOCAL ORDINANCE	61 WARRANT #	62 DATE ISSUED M D Y	63 STATE CODE/LOCAL ORDINANCE				
	64 CHARGE-5 <input type="checkbox"/> FEL <input type="checkbox"/> MISD	65 UCR CODE	66 ARREST DISPOSITION <input checked="" type="checkbox"/> HELD <input type="checkbox"/> TOT-LE <input type="checkbox"/> BAIL <input type="checkbox"/> OTHER <input type="checkbox"/> RELEASED	67 IF OUT ON RELEASE WHAT TYPE?				
RELEASE	70 VYR	71 VMA	72 VMO	73 VST				
	74 VCO TOP BOTTOM	75 TAG #	76 LIS	77 LIY				
	78 VIN	79 IMPOUNDED? <input type="checkbox"/> YES <input type="checkbox"/> NO	80 STORAGE LOCATION / IMPOUND #					
	81 OTHER EVIDENCE SEIZED/PROPERTY SEIZED <input type="checkbox"/> CONTINUED IN NARRATIVE							
JUVENILE	82 JUVENILE <input type="checkbox"/> HANDLED AND RELEASED <input type="checkbox"/> REF. TO WELFARE AGENCY <input type="checkbox"/> REF. TO ADULT COURT DISPOSITION: <input type="checkbox"/> REF. TO JUVENILE COURT <input type="checkbox"/> REF. TO OTHER POLICE AGENCY			83 RELEASED TO				
	84 PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME)		85 ADDRESS (STREET, CITY, STATE, ZIP)	86 PHONE ()				
	87 PARENTS EMPLOYER	88 OCCUPATION	89 ADDRESS (STREET, CITY, STATE, ZIP)	90 PHONE ()				
	91 DATE AND TIME OF RELEASE M D Y : 1. AM <input type="checkbox"/> MIL. <input type="checkbox"/> 2. PM							
RELEASE	92 RELEASING OFFICER NAME		93 AGENCY/DIVISION	94 ID #				
	95 RELEASED TO:		96 AGENCY/DIVISION	97 AGENCY ADDRESS				
	98 PERSONAL PROPERTY RELEASED TO ARRESTEE <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> PARTIAL		99 PROPERTY NOT RELEASED/HELD AT:	100 PROPERTY #				
	101 REMARKS (NOTE ANY INJURIES AT TIME OF RELEASE)							
RELEASE	102 SIGNATURE OF RECEIVING OFFICER Marilyn Mealing		103 SIGNATURE OF RELEASING OFFICER					
	104 CASE #		105 SFX	106 CASE #				
	107 SFX		108 CASE #	109 SFX				
	110 ADDITIONAL CASES CLOSED NARRATIVE <input type="checkbox"/> Y <input type="checkbox"/> N		111 ARRESTING OFFICER (LAST, FIRST, M.) WEST, CHRIS					
112 ID # DEI		113 ARRESTING OFFICER (LAST, FIRST, M.)		114 ID #				
115 SUPERVISOR ID #		116 WATCH CMDR. ID #						

TYPE OR PRINT IN BLACK INK ONLY

ACJIC-34 REV. 10-90

WAIVER OF COUNSEL BY DEFENDANT IN CUSTODY

I, Richard S. Marshall, have been informed by the undersigned law enforcement officers, prior to being questioned by them, that I am suspected of the offense of Pistol w/o License Unlawful Possession of Controlled Substance in Cowhatch County, Alabama, on the 30th day of June, 2005, and have been informed by them of my Rights as follows:

1. That I may remain silent and do not have to make any statement at all.
2. That any statement which I might make may be used against me in Court.
3. That I have a right to consult with an attorney before making any statement and to have such attorney present with me while I am making a statement.
4. That if I do not have enough money to employ an attorney, I have the right to have one appointed by the Court to represent me; to consult with him before making any statement; and to have him present with me while I am making a statement.
5. That if I request an attorney, no questions will be asked me until an attorney is present to represent me.

After having my Rights explained to me, I freely and voluntarily waive my right to an attorney. I am willing to make a statement to the officers. I can read and write the English language and fully understand my Rights to an attorney. I have read this Waiver of Counsel and fully understand it. No threats or promises have been made to me to induce me to sign this Waiver of Counsel and to make a statement to the officers.

This 30th day of June, 2005.

x Richard Marshall

All of the Rights in the above Waiver of Counsel were read and explained to the above defendant by me and he freely and voluntarily waived his right to an attorney. No threats, promises, tricks or persuasion were employed by me or anyone in my presence to induce him to waive his rights to an attorney and to make a statement without an attorney. He freely and voluntarily signed the above Waiver of Counsel in my presence after having read it.

[Signature]

Commander

(Title)

Witnessed by:

ALABAMA JUDICIAL INFORMATION SYSTEM

* * * IN THE DISTRICT COURT OF LOWNDES COUNTY * * *

AGENCY NUMBER:

WARRANT NUMBER: WR 2005 000436.00

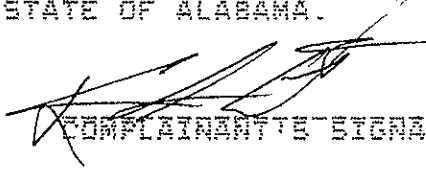
OTHER CASE NBR:

C O M P L A I N T

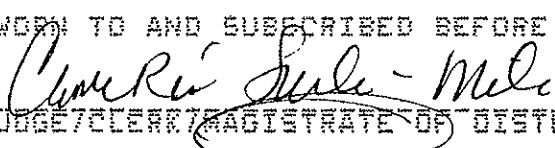
BEFORE ME THE UNDERSIGNED JUDGE/CLERK/MAGISTRATE OF THE DISTRICT COURT OF LOWNDES COUNTY, ALABAMA, PERSONALLY APPEARED COMMANDER CHRISTOPHE WHO BEING DULY SWORN DEPOSES AND SAYS THAT HE/SHE HAS PROBABLE CAUSE FOR BELIEVING, AND DOES BELIEVE THAT RICHARD J MARSHALL DEFENDANT, WHOSE NAME IS OTHERWISE UNKNOWN TO THE COMPLAINANT, DID WITHIN THE ABOVE NAMED COUNTY AND

DID ON OR ABOUT JUNE 28, 2005, CARRY A PISTOL, TO-WIT: ROSSI 357 MAGNUM IN A VEHICLE, OR CONCEALED ON OR ABOUT HIS PERSON WITHOUT FIRST OBTAINING A LICENSE.

IN VIOLATION OF 18A-011-073 OF THE CODE OF ALABAMA, AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.


COMPLAINANT'S SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 30 DAY OF JUNE, 2005.


JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: PISTOL-CARRYING W/O 18A-011-073

M MISDEMEANOR

WITNESS FOR THE STATE

COMMANDER CHRISTOPHE/146 E 4TH STREET/LUVERNE/36049

OPERATOR: CAM

DATE: 06/30/2005

W A R R A N T

STATE OF ALABAMA

LOWNDES COUNTY

DISTRICT COURT

AGENCY NUMBER:


WARRANT NUMBER: WR 2005 000436.00
OTHER CASE NBR:

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST RICHARD J MARSHALL AND BRING
HIM/HER BEFORE THE DISTRICT COURT OF LOWNDES COUNTY TO ANSWER THE STATE
ON A CHARGE(S) OF:PISTOL-CARRYING W/O CLASS: A TYPE: M COUNTS: 001
AND HAVE YOU THEN AND THERE THIS WRIT WITH YOUR RETURN THEREON.YOU WILL RECEIVE UNTO YOUR CUSTODY AND DETAIN HIM/HER UNTIL THE
DAY OF _____, OR UNTIL LEGALLY DISCHARGED.

DATED THIS 30 DAY OF JUNE, 2005.

BOND SET AT: (1) \$500.00 BOND TYPE:

(2) _____
(3) _____
JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: PISTOL-CARRYING W/O 13A-011-073

N NIEDERMEANOR

NAME: RICHARD J MARSHALL
ADDRESS: 101 S BURBANK DRIVE
ADDRESS:
CITY: MONTGOMERY

STATE: AL

ALIAS:

ALIAS:

ZIP: 36116 0000

PHONE: 334 000 0000 EXT: 000

EMPLOYMENT:

DOB: 02/24/1974 RACE: B SEX: M HAIR: BLK
EYE: BRO HEIGHT: 5'09" WEIGHT: 160
SID: 0000000000 SSN: 424942660 DL NUM:

E X E C U T I O N

EXECUTED THE WITHIN WARRANT BY ARRESTING THE DEFENDANT AND

(/) PLACING DEFENDANT IN THE LOWNDES COUNTY JAIL

() RELEASING DEFENDANT ON APPEARANCE BOND

THIS 28th DAY OF June

2005

SHERIFF

BY COMPLAINANT: COMMANDER CHRISTOPHE
146 E 4TH STREET

LIVERNE AL 36049

OPERATOR: CAM

DATE: 06/30/2005

ALABAMA JUDICIAL INFORMATION SYSTEM

* * * IN THE DISTRICT COURT OF LOWNDES COUNTY * * *

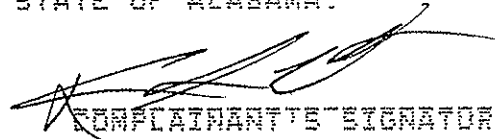
AGENCY NUMBER:

WARRANT NUMBER: WR 2005 000435.00
OTHER CASE NBR:

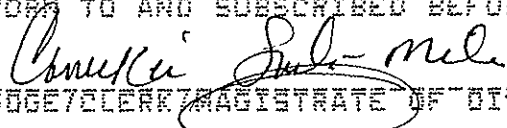
C O M P L A I N T

BEFORE ME THE UNDERSIGNED JUDGE/CLERK/MAGISTRATE OF THE DISTRICT COURT OF LOWNDES COUNTY, ALABAMA, PERSONALLY APPEARED COMMANDER CHRISTOPHE WHO BEING DULY SWORN DEPOSES AND SAYS THAT HE/SHE HAS PROBABLE CAUSE FOR BELIEVING, AND DOES BELIEVE THAT RICHARD J MARSHALL DEFENDANT, WHOSE NAME IS OTHERWISE UNKNOWN TO THE COMPLAINANT, DID WITHIN THE ABOVE NAMED COUNTY AND

DID ON OR ABOUT JUNE 28, 2005, WHILE IN LOWNDES COUNTY, ALABAMA:
(XX) UNLAWFULLY POSSESS A CONTROLLED SUBSTANCE, TO-WIT: COCAINE, IN VIOLATION OF 13A-012-212 OF THE CODE OF ALABAMA, AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.


COMPLAINANT'S SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 28 DAY OF JUNE, 2005.


JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: POSS/REC CONTR. SUBS 13A-012-212

F FELONY

WITNESS FOR THE STATE

COMMANDER CHRISTOPHE/146 E 4TH STREET/LUVERNE/36049

OPERATOR: CAM

DATE: 06/30/2005

* A D A M *

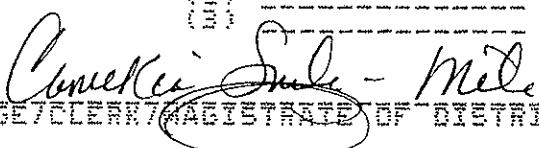
STATE OF ALABAMA LOWNDES COUNTY DISTRICT COURT

AGENCY NUMBER: WARRANT NUMBER: WR 2005 000435.00
OTHER CASE NER:

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST RICHARD J MARSHALL AND BRING
HIM/HER BEFORE THE DISTRICT COURT OF LOWNDES COUNTY TO ANSWER THE STATE
ON A CHARGE(S) OF:POSS/REC CONTR. SUBS CLASS: C TYPE: F COUNTS: 001
AND HAVE YOU THEN AND THERE THIS WRIT WITH YOUR RETURN THEREON.YOU WILL RECEIVE UNTO YOUR CUSTODY AND DETAIN HIM/HER UNTIL THE
----- DAY OF -----, OR UNTIL LEGALLY DISCHARGED.

DATED THIS 30 DAY OF JUNE, 2005.

BOND SET AT: (1) \$10,000.00 BOND TYPE: PROPERTY BOND
(2)
(3)
JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: POSS/REC CONTR. SUBS 13A-012-212 F FELONY

NAME: RICHARD J MARSHALL
ADDRESS: 101 S BURBANK DRIVE
ADDRESS:
CITY: MONTGOMERY

STATE: AL

ALIAS:
ALIAS:

ZIP: 36116 0000

PHONE: 334 000 0000 EXT: 000

EMPLOYMENT:

DOB: 02/24/1974 RACE: B SEX: M HAIR: BLK
EYE: BRO HEIGHT: 5'09" WEIGHT: 160
SID: 0000000000 SSN: 424942660 OL NUM:

E X E C U T I O N

EXECUTED THE WITHIN WARRANT BY ARRESTING THE DEFENDANT AND

(/) PLACING DEFENDANT IN THE LOWNDES COUNTY JAIL

() RELEASING DEFENDANT ON APPEARANCE BOND

THIS 28th DAY OF

JUN

2005

SHERIFF

67

COMPLAINANT: COMMANDER CHRISTOPHE
144 E 4TH STREET

LUVERNE AL 36049

OPERATOR: CAM

DATE: 06/30/2005

06MG00466

Sub# 1 Received (11/28/2005)

|||||

2nd Judicial Drug Task Force

Case# 05-06-011

Evidence Submis

Date: 11-28-05

County: Lowndes

Suspect(s): Richard J. Marshall

Race: B Sex: M DOB: Adult

Suspect(s):

Race: Sex: DOB:

Subject(s):

Race: Sex: DOB:

Subject(s):

Race: Sex: DOB:

Requesting Agent: C.S. West

Title: Commander

Office No. (334) 335-3340

Fax No. (334) 335-6401

Normal Duty Hours: 9am-5pm

Agency: 2d Judicial Circuit Drug Task Force

Mailing Address: PO Box 795 North Tuskeena Street Hayneville, Alabama 36040

Law Enforcement Case No: 05-06-011

Property No.: 01

Type Case (CHARGE): Possession

Brief History of Case: Offender found to be in possession while attempting to elude

*Evidence Submitted: residue

Examination Requested: Drug Analysis

***NOTES THAT EVIDENCE IS IN A CLEAR SEALED PLASTIC BAG**



ALABAMA

DEPARTMENT OF FORENSIC SCIENCES

REGIONAL LABORATORY
P.O. BOX 210516
MONTGOMERY, AL 36121-0516
(334) 242-2938
FACSIMILE (334) 240-3284

MEDICAL EXAMINER
P.O. BOX 240591
MONTGOMERY, AL 36124-0591
(334) 242-3093
FACSIMILE (334) 260-8734

EVIDENCE RECEIPT

CASE NUMBER: 06MG00466 ID: 1 TYPE: Controlled Substances REFERENCES: LAB: MG
AGENCY NUMBER: 05-06-011 ORI NUMBER: AL045 TASK DATE: 11/28/05 TIME: 1:22 pm

CASE NAMES	TYPE	RACE	SEX	DOB	AGE	STATUS
Richard J Marshall	S	B	M			

CHAIN OF CUSTODY	DATE	TIME
Secured at Montgomery Regional Laboratory Evidence Intake Area	11/28/05	1:22 pm

DESCRIPTION OF EVIDENCE:

1 One brown paper bag identified to contain drug evidence

SERVICE REQUESTED:
DRUG CHEMISTRY

ALL ITEMS LISTED ABOVE ARE AS DESCRIBED BY THE SUBMITTING AGENCY AND ARE SUBJECT TO VERIFICATION UPON INSPECTION BY THE ANALYST

REPORT TO:

Commander C. S. West
2nd Judicial Drug Task Force
146 East 4th Street
Luverne, AL 36049

SUBMITTED BY:

G. Lashun Hutson



ALABAMA
DEPARTMENT OF FORENSIC SCIENCES

REGIONAL LABORATORY
P.O. BOX 210516
MONTGOMERY, AL 36121-0516
(334) 242-2938

MEDICAL EXAMINER
P.O. BOX 240591
MONTGOMERY, AL 36124-0591
(334) 242-3093

CERTIFICATE OF ANALYSIS

Commander C. S. West
2nd Judicial Drug Task Force
146 East 4th Street
Luverne, AL 36049

CASE NUMBER: 06MG00466

SUBMITTING AGENCY CASE NUMBER: 05-06-011

SUSPECT(S):	Richard J Marshall	Race B	Sex M	Date of Birth	Status Adult
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SERVICE REQUESTED: Drug Analysis

CHAIN OF CUSTODY:

	DATE	TIME
G. Lashun Hutson from 2nd Judicial Drug Task Force	11/28/2005	13:22
Michael L. Hitchcock	12/01/2005	14:35
Robert Agee	01/13/2006	08:59

DESCRIPTION OF EVIDENCE:

- One brown paper bag containing residue

RESULTS OF ANALYSES:

DATE(S) OF ANALYSES: 01/26/2006

- Laboratory analyses of the residue failed to reveal the presence of any controlled substances.

Sworn to and subscribed to me this the 2nd Day of Feb, 2006 as true and correct



An ASCLD/LAB Accredited Laboratory since October 2003

Alabama Department of

Public Safety

BUREAU OF INVESTIGATION

FINGERPRINT EXAMINATION REQUEST
ABI-28 (2-95)

RETURN TO: LATENT PRINT UNIT
P. O. BOX 1511
Montgomery, AL 36192-0501
Phone: (334) 242-4244

TYPE OR PRINT CLEARLY (USE BLACK INK) AND SUBMIT IN TRIPLICATE

[illegible]

Alabama Department of

Public Safety

BUREAU OF INVESTIGATION

FINGERPRINT EXAMINATION REQUEST

ABI-28 (2-95)

RETURN TO: LATENT PRINT UNIT
P. O. BOX 1511
Montgomery, AL 36192-0501
Phone: (334) 242-4244

TYPE OR PRINT CLEARLY (USE BLACK INK) AND SUBMIT IN TRIPLICATE

[illegible]

Alabama Department of
Public Safety

REPLY MAY BE MADE TO:

Shannon Fitzgerald
ABI Headquarters

Date: 8-25-05

Dear Contributor:

The enclosed case file is being returned to your department for the following reason:

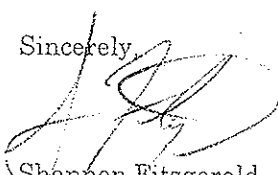
☐ Statute of Limitations Has Expired☒ No latent prints of value were found on the evidence which:☒ is enclosed☐ is being forwarded to the Department of Forensic Sciences.☐ is being retained for pick up by your department.

Retention of this file is recommended until such time your department determine it
Has no evidentiary value.

This file is the original and no copy will be retained by this department.

If this department can be of further assistance to you, please do not hesitate to
Contact me at (334) 395-4320.

Sincerely,



Shannon Fitzgerald
Certified Latent Print Examiner
Alabama Bureau of Investigation

SF/ss

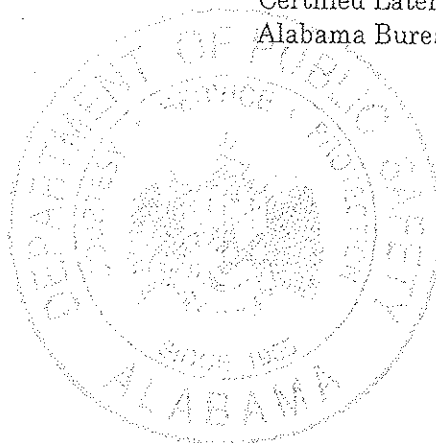


EXHIBIT M

Case File, Courtesy Warning

SERVING BUTLER, CRENSHAW AND LOWNDES COUNTIES
146 EAST FOURTH STREET
LIVERNE, ALABAMA 36049
334-335-3340

COURTESY WARNING

DATE 6-28-08 TIME 2:00 pm
For: 6-28-08

SPEEDING _____ MPH _____ MPH ZONE

IMPROPER LANE USAGE

FAILURE TO YIELD

IMPROPER TAG

FAILURE TO SIGNAL

RED LIGHT

FOLLOWING TO CLOSE

STOP SIGN

IMPROPER TURN

DEFECTIVE EQUIPMENT _____

OTHER/REMARKS Attempted to Elude, No Seat Belt

MAKE OF VEHICLE Chevrolet YEAR 1971 COLOR Blue

VEHICLE TAG # _____ STATE AL.

LOCATION Hwy 21 S. Lowndes County

THIS IS A COURTESY WARNING ONLY AND WILL NOT REFLECT ON YOUR
OPERATORS LICENSE

[Signature] 6018769 STATE AL.
VIOLATOR DRIVERS LICENSE #

[Signature] ID DE-1
AGENT

THE LIFE YOU SAVE MAY BE YOUR OWN